

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

December 6, 2004

RESPONSIBLE STAFF:

Caroline Seiden
Planner

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing - Joint
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	11/17/04 11/24/04
Hearing Date	12/06/04
Record Held Open	
Policy Discussion	

TITLE: SDP-04-001

Joint Public Hearing on SDP-04-001, Schematic Development Plan for Quince Orchard Park – The Vistas

SUPPORTING BACKGROUND:

The applicant, Churchill Development Corp., requests approval of a Schematic Development Plan (SDP), known as Quince Orchard Park – The Vistas. The proposed plan includes mixed residential (28 single family detached; 41 townhouses; 56 multi-family condominium units) on approximately 11.68 acres of land. The subject property is bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road in the Quince Orchard Park development. The property is within the Mixed Use Development (MXD) Zone.

Staff notes the following:

1. On-site forest conservation requirements are yet to be met.
2. Pursuant to the Quince Orchard Park annexation agreement, dedication of land for the transit right of way and transit station must be completed prior to approval for any plan over 22,000 square feet, or 22 units.
3. There is a 100' Building Restriction Line for all but single family detached units, which will affect the placement of some units in the northeast portion of the site.
4. The Sketch Plan and Master Plan proposes a residential land use range of 75 to 125 units.

Additionally, staff has some concerns regarding the level of recreational amenities provided

Index of Memoranda (enclosed exhibits are highlighted)

DESIRED OUTCOME:

Planning Commission: Hold Record Open Indefinitely
Mayor and Council: Hold Record Open Indefinitely

INDEX OF MEMORANDA
SDP-04-001
QUINCE ORCHARD PARK – THE VISTAS

- 1) **Schematic Development Plan Application, August 13, 2004**
- 2) Application fees receipt
- 3) **Sediment Control and Stormwater Management Application, August 13, 2004**
- 4) Stormwater Management Plan Cover Letter from James A. Ruff, Macris, Hendricks & Glascock, August 12, 2004
- 5) **Letter to Greg Ossont from William J. Wogatske, Churchill Group, August 19, 2004**
- 6) **Letter to Greg Ossont from William J. Wogatske, Churchill Group, September 7, 2004**
- 7) Schematic Development Plan (Sheets #1-#4)
- 8) Elevations of proposed Single-family, Townhouse and Multi-family Dwellings
- 9) **Vicinity Map**
- 10) Natural Resources Inventory/Forest Stand Delineation
- 11) **Quince Orchard Park Wildlife Inventory and Wildlife Management Plan**
- 12) Agency Transmittals
- 13) **E-mail to Greg Ossont from Bill Burke, September 21, 2004**
- 14) **2003 City of Gaithersburg Master Plan Land Use Element, Map Designation 47**
- 15) Concept Stormwater Management Plan
- 16) **E-mail to Greg Ossont from Suzanne Scharf, September 27, 2004**
- 17) **Letter to Trudy Schwarz from Steven Foster, State Highway Administration, September 28, 2004**
- 18) **Letter to Caroline Seiden from William Wogatske, Churchill Group**
- 19) **Letter to Caroline Seiden and Greg Ossont from Robert J. Funes, PharmD, 719 Summer Walk Drive, October 11, 2004**
- 20) **E-mail to Greg Ossont from Bill Burke, November 9, 2004**
- 21) **Letter requesting Notice of Joint Public Hearing for SDP-04-001 in the November 17 and November 24, 2004 issues of the *Gaithersburg Gazette***
- 22) **Notice of Joint Public Hearing, as sent November 17, 2004**
- 23) **List of Persons Notified of Joint Public Hearing**
- 24) **E-mail to Greg Ossont from Bin Yu, November 12, 2004**
- 25) **E-mail, with attachments, from Mark Depoe regarding Quince Orchard Park Development, November 18, 2004**
- 26) **E-mail to Greg Ossont from Suzanne Scharf, November 20, 2004**
- 27) SWM Concept Plan Cover Letter and Revised Computations, November 8, 2004
- 28) Revised Concept Stormwater Management Plan
- 29) Revised Schematic Development Plan (Sheets #1-#4)

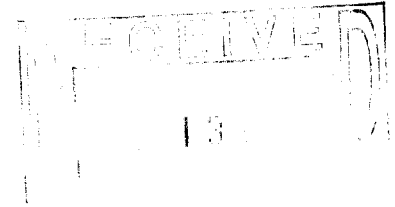
- 30) Revised Schematic Development Plan (Sheets #1-#4), reduced copies**
- 31) Revised Concept Stormwater Management Plan, reduced copy**
- 32) Building Elevations, reduced copies**
- 33) E-mail to Greg Ossont and Caroline Seiden from Bill Wogatske**

SITE PLAN APPLICATION

In accordance with Article III, Division 19, Section 24-160 D.9
and Article V of the City Code

Application # SDP-04-001
Date Filed 8-13-04
Total Fee \$9500 -

- ☐ CONCEPT
☒ ~~PRELIMINARY~~ Schematic
☐ FINAL (MXD FEE APPLIES)
☐ SCHEMATIC DEVELOPMENT



1. SUBJECT PROPERTY

Project Name Quince Orchard Park - The Vista's
Street Address Winter Walk Drive
Zoning MXD Historic area designation ☐ Yes ☒ No
Lot _____ Block Parcel A Subdivision _____
Tax Identification Number (MUST BE FILLED IN) 9-201-2304605

2. APPLICANT

Name Churchill Development Corp
Street Address 5 Chotke Cherry Rd Suite No. 360
City Rockville 1 State MD Zip Code 20850
Telephones: Work 240-243-1000 Home _____

3. CITY PROJECT NUMBER

Original Site Plan Number (if applicable) Z275C (Sketch Plan)
Name of previously approved Final Plan (if applicable) Quince Orchard Park

4. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name Design Concepts c/o Rohit Grand
Architect's Maryland Registration Number 8588 Telephone 703-288-9008
Street Address 8618 Westwood Center Drive Suite No. _____
City Vienna State VA Zip Code 22182 x202

Engineer's Name Macris Hendricks & Glascock, PA, James A Ruff
Engineer's Maryland Registration Number 01774 Telephone (3) 670-0840
Street Address 9220 Wightman Rd Suite No. 120
City Montgomery Village State MD Zip Code 20886

Developer's Name Same As Applicant Telephone _____
Street Address _____ Suite No. _____
City _____ State _____ Zip Code _____
Contact Person _____

4. PROPERTY OWNER

Name Ge Cap c/o QOC
Street Address 1001 G St NW Suite No. 700 West
City Washington DC State _____ Zip Code 20001
Telephones: Work 202-393-1799 Home _____

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6. PRIMARY USE☐ Mixed Use☐ Non-Residential☒ Residential**7. PROPOSED UNIT TYPE**☐ Mixed Use☐ Retail/Commercial☐ Other☐ Office/Professional☐ Residential Multi-Family☐ Restaurant☐ Residential Single Family**8. WORK DESCRIPTION***Condo's, Towns & SF***9. PROJECT DETAIL INFORMATION.** Please supply the following information

DEVELOPMENT INFORMATION			REQUIRED	PROVIDED
1. Site (square feet)				508,948
2. Site Area (acres)				11.68
3. Total Number of Dwelling Units/Lots			125	125
4. Height of Tallest Building			5 stories max.	4 stories
5. Green Area (square feet)			203,579	254,475
6. Number of Dwelling Units/Acre			Project = 3.05	9.6
7. Lot Coverage (Percent)			N/A	50%
8. Green Area (Percent)			40%	50%
9. Residential				
a. Single Family Detached	# Units	28	N/A	28
b. Single Family Attached	# Units	41	N/A	41
c. Multi-Family Condo	# Units	56	N/A	56
d. Multi-Family Apartment	# Units		N/A	
e. Other			N/A	
10. Retail/Commercial	Sq. Ft.		N/A	
11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	Sq. Ft.		N/A	
12. Office/Professional	Sq. Ft.		N/A	
13. Warehouse/Storage	Sq. Ft.		N/A	
14. Parking			276	310
15. Shared Parking/Waiver			N/A	
16. Other			N/A	
17. Total			276	310

SUBMISSION REQUIREMENTS

1. Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
2. Completion of the table above.
3. Completed checklist.
4. Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Name (please print)

William Wogatske

Applicant's Signature

W. Wogatske

Date

8/13/04

Daytime Telephone

248-243-1000 EXT 110

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: 301-258-6330 • Fax: 301-258-6336
plancode@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us
and

DEPARTMENT OF PUBLIC WORKS, PARKS MAINTENANCE, AND ENGINEERING

800 Rabbitt Road, Gaithersburg, Maryland, 20878-1600
Telephone: 301-258-6370 • Fax: 301-258-6375

SEDIMENT CONTROL and STORMWATER MANAGEMENT APPLICATION

In accordance with Chapter 8 of the City Code

Application No. SDP-04-001
SWM Review Fee \$ 1500.00
Sediment Control Fee \$ _____
Initials _____
Date Filed 8-13-04
DPW&E Review Date _____
Action _____

Application to be submitted with or prior to preliminary site plan submission.

1. PROJECT NAME Quince Orchard Park - The Vista's
☐ Commercial ☐ Industrial ☐ Residential ☐ Other
 If residential, Number of Units and Type 125, SF, Towns & Condo's
2. PROPERTY LOCATION Winter Walk Drive
 a. Parcel Number Parcel A Property Tax ID 9-201-2304605 Zone MXD
 b. Maryland Subwatershed #: ☒ Muddy Branch ☐ Great Seneca ☐ Other _____
 # 02140202 # 0214208 # _____
 c. Tributary: ☒ Muddy Branch ☐ Long Draught Branch ☐ Whetstone Run ☐ Other _____
3. APPLICANT NAME Churchill Development Corp
 Address 5 Choke Cherry Rd, Suite 360 Telephone 240-243-1000
Rockville Md, 20850
4. ENGINEER NAME Macris Hendricks & Glascock, P.A.
 Address 9220 Wightman Rd, Suite 120 Telephone 301-670-0840
Montgomery Village Md, 20886
5. TYPE OF SUBMISSION ☒ Concept ☐ Final (check version): ☐ New ☐ Resubmittal ☐ Revision
6. STORMWATER MANAGEMENT PROVIDED
☒ Onsite Management ☐ Waiver Request
 Onsite Quality Acres _____ Waiver Quantity Acres _____
 Onsite Quantity Acres _____

Type and Number of Structure(s) Proposed:

☐ Wet Pond ☒ Dry Pond ☐ Water Quality Inlet ☐ Underground Storage
☐ Sand Filter ☒ Other (specify)
 Bio Retention

- | | | | |
|--|------|--------------------|-------------------------|
| 7. PROJECT AREA | | | |
| a. Site area of new development | SA = | <u>11.68</u> Acres | <u>508,948</u> Sq. Feet |
| b. Disturbed area | DA = | <u>10.53</u> Acres | <u>458,942</u> Sq. Feet |
| c. Proposed impervious area | IA = | <u>5.15</u> Acres | <u>224,334</u> Sq. Feet |
| d. Percentage of SA that is Impervious | I = | <u>39</u> % | |
| e. Total project area | TA = | <u>13.05</u> Acres | <u>568,224</u> Sq. Feet |

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STORMWATER MANAGEMENT APPLICATION SUBMISSION REQUIREMENTS

1. CONCEPT STORMWATER MANAGEMENT PLAN CHECKLIST

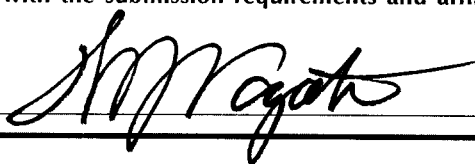
- ☒ Completed application.
- ☒ SWM Plan review fee (see fee schedule).
- ☐ Cover letter with a brief narrative description of the project and justification for the proposed Stormwater Management Concept.
- ☒ Grading or site plans that include:
 - ☒ Vicinity map.
 - ☒ Existing and proposed grading.
 - ☒ Impervious areas and improvements.
 - ☒ Existing and proposed drainage areas
 - ☒ Off-site drainage and outfalls.
 - ☒ Downstream conditions.
 - ☒ If the site drains to an existing storm drain system, provide a schematic drawing of the storm drain layout on 200' scale topography detailing the system from the point of inflow to the existing outfall.
 - ☒ The proposed development and improvements including buildings; streets; parking lots; topography; streams and wetlands; 100-year floodplain and flowpath; stream valley buffer; existing or proposed easements or rights-of-way for storm drains, sewers, and other utilities; major building locations; impervious surfaces, storm drainage facilities, and all grading and major soil groups.
- ☒ Geotechnical investigations including soils maps, borings, site specific recommendations, and any additional information necessary for the proposed stormwater management design.
- ☒ Description of the location, type, and hazard class of proposed on-site stormwater management facilities, including preliminary designs.
- ☒ Descriptions of all water courses, impoundments, and wetlands on or adjacent to the site of which stormwater directly flows. *See NRE*
- ☒ Hydraulic computations, including drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use.
- ☒ Structural computations.
- ☒ Unified sizing criteria volume computations according to the Design Manual.

2. FINAL STORMWATER MANAGEMENT PLAN CHECKLIST

- ☐ All items described above.
- ☐ Topographic survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities.
- ☐ Structural and construction details for all components of the proposed drainage system and SWM facilities.
- ☐ All necessary construction specifications and notes.
- ☐ A sequence of construction.
- ☐ Data for total site area, disturbed area, new impervious area, and total impervious area.
- ☐ A table showing the unified sizing criteria volumes required in the Design Manual.
- ☐ A table of materials to be used for stormwater management facility plantings.
- ☐ Soil boring logs and locations.
- ☐ A maintenance schedule.
- ☐ Certification by the owner/developer that all stormwater management construction will be done according to this plan.
- ☐ An as-built certification signature block to be excuted after project completion.
- ☐ A scanned or digital version of the final plan.
- ☐ Color site plan that differentiates impervious and pervious areas with total areas for each and shows limits of disturbed area for redevelopment or limits of site area for development.
- ☐ Describe proposed mitigation and compensation measures.
- ☐ Any other information required by the City of Gaithersburg.

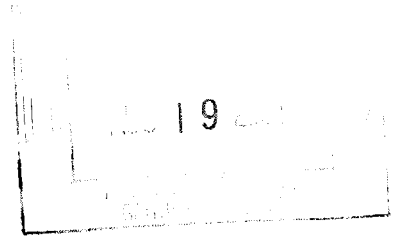
I have read and complied with the submission requirements and affirm that all statements are true and correct.

Applicant's Signature



Date

8/13/04



August 19, 2004

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2098
Attention: Mr. Greg Ossont

Re: The Vistas

Dear Greg:

Please find enclosed 8-1/2 x 11 copies of the following plans:

1. Overall Quince Orchard Park
2. Vistas Schematic Development Plan
3. Landscape Plan

As the information is a little difficult to read at this scale I marked up one of the landscape plans to indicate the single family (blue) townhouse (green) and condo buildings (yellow).

Please feel free to contact me at 240-243-1000 ext 110 or by email at BWogatske@ChurchillBuilders.com.

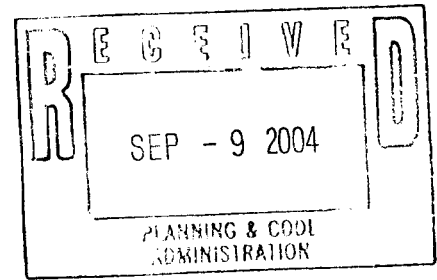
Thank you for the faxed phone numbers for the QOP property Management.

Sincerely,

William J. Wogatske

Vice President Land Acquisition and Development





September 7, 2004

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2098
Attention: Mr. Greg Ossont

Fax 301-258-6336

Re: The Vistas

Dear Greg:

We have scheduled a community meeting with the Quince Orchard Park Homeowners Association for September 22nd at 7:00 PM in the QOP Clubhouse.

I would appreciate if you would kindly inform all interested persons, perhaps a notice could be posted on the web site.

Thank you for your continued help and cooperation in this matter. If there is anything more I can do in regards to this notice please contact me at 240-243-1000 ext. 110 or by email at BWogatske@ChurchillBuilders.com.

Sincerely,

William J. Wogatske
Vice President Land Acquisition and Development



Macris, Hendricks & Glascock, P.A.

9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886
(301) 670-0840

Project Quince Orchard Park, Part of Parcel A

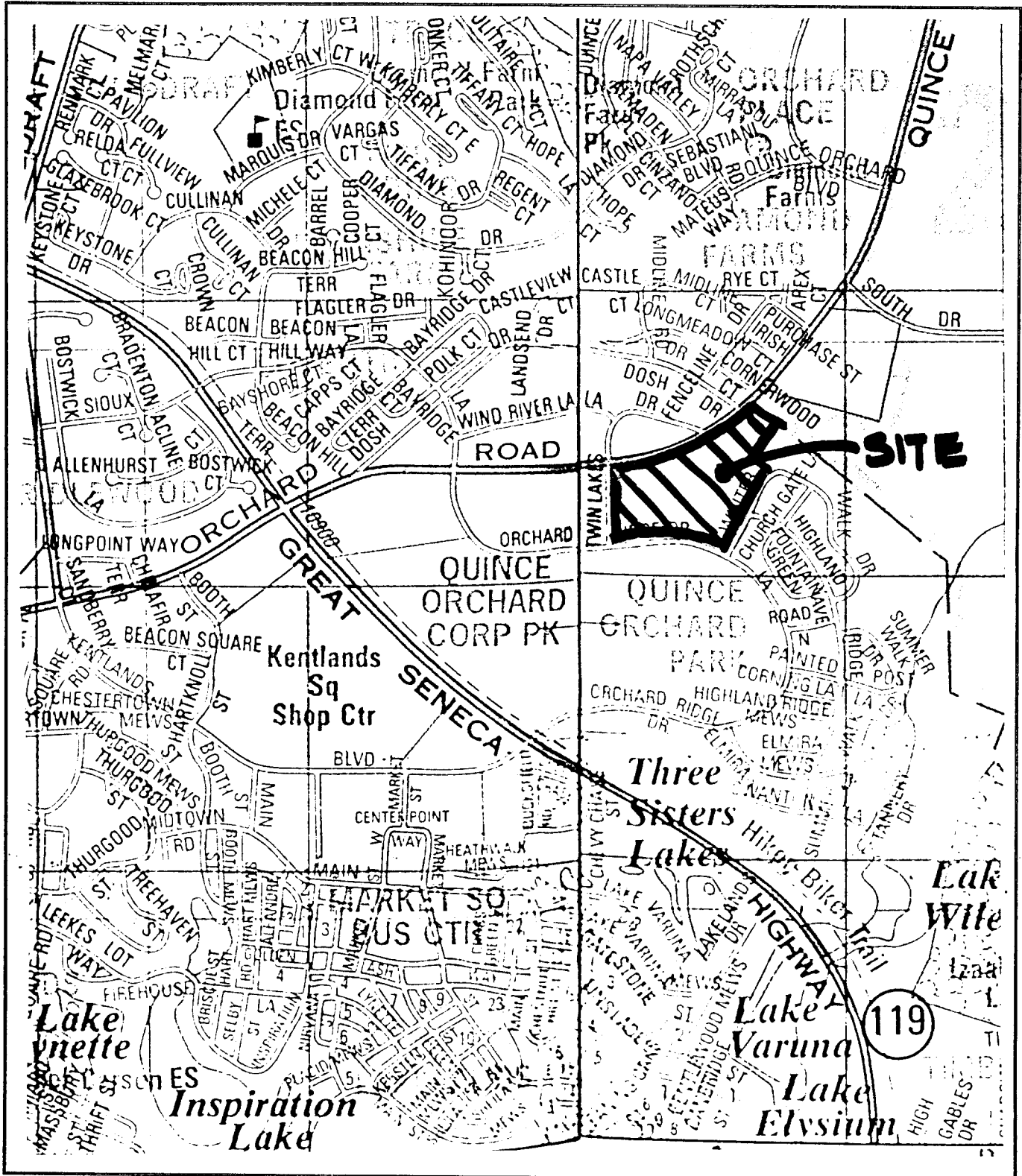
Project No. 89-157 Date 08.12.04

Prepared By vsb

Scale 1" = 1000'

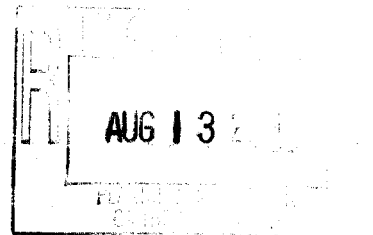
VICINITY MAP

CITY OF GAITHERSBURG



SDP-04-001

**JOINT
EXHIBIT
#9**
SDP-04-001



Quince Orchard Park

**Wildlife Inventory and
Wildlife Management Plan**

For
Quadrangle Development
1001 G Street, NW.; Suite 700
Washington, DC 20001

By
Rodgers & Associates, Inc.
9260 Gaither Road
Gaithersburg, Maryland 20877
R&A Job No. 401 OK
Attn.: Kraig Walsleben

March, 1999

SDP-04001



EXECUTIVE SUMMARY

The Quince Orchard Park Wildlife Inventory and Management Plan was conducted for the Quadrangle Development Corporation in conformance with the conditions set forth by the City of Gaithersburg for site plan approval. The wildlife Inventory and subsequent Management Plan has been prepared by Rodgers & Associates, Inc. for parcels FS23-N550 and FS13-P517 hereto known as the site. The site is approximately 116.6 acres and is comprised almost entirely of pioneer stage forests with narrow hedgerows dividing the successional forest and fields into smaller segments. The Wildlife Inventory was conducted during multiple visits to the site from October 1998 to March 1999, and was comprised of field surveys, baiting surveys and aerial infrared surveys. The conclusion of the inventory is that two problematic populations exist, White-tailed Deer and Beaver with the possibility of Red Fox.

The accompanying Wildlife Management Plan suggests two possible management alternatives for each problematic species. In each case, the arguably preferred alternative is a "direct reduction" of the problematic species (ie lethal removal). The second, more politically acceptable alternative is to manage the impacts of the animals rather than manage their numbers and promote / provide safe passage of said animals off the site when development occurs. The property owner and the City of Gaithersburg will ultimately decide the choice of which management alternative is used. Past projects suggest that the City will likely prefer the utilization of non-lethal methods of population control.

INTRODUCTION

This Wildlife Inventory and Wildlife Management Plan has been prepared for the Quadrangle Development Corporation by Rodgers & Associates, Inc. The site is comprised of parcels FS23-N550 and FS13-P517 for approximately 116.6 acres. The site contains multiple habitat types ranging from Mature forests to forested and emergent riverine systems old fields, pioneer and pole stage forests, and disturbed open areas (soil stock piles, staging areas, utility rights of ways). Two streams pass through the site in roughly a north – south direction. Each stream is a first order waterway, and both flow to the Muddy Branch. Sewer lines are located along each of the streams within the site. The site is bordered to the north by the National Institute of Standards and Technology (NIST), to the east by the Timberbrook and Lakelands Subdivisions, to the south by Great Seneca Highway and to the west by Quince Orchard Road (Maryland Route 124).

METHODS

The wildlife inventory of the site utilized multiple wildlife survey techniques to extrapolate a population estimate that most accurately reflect actual individual species population densities. Wildlife surveys are inherently inexact, but by employing several high-tech and low-tech survey methods, an accurate composite population estimate can be established. The methods used for the Quince Orchard Park site varied by species

The deer survey utilized baited spotlight survey, fixed position drive survey, and infrared aerial survey. Bait stations were established utilizing automated wildlife feeders with whole and cracked corn feed. The feeders were augmented by cuttings of White Cedar *Thuja occidentalis* and Red Maple *Acer rubrum*. Nighttime spotlight surveys were conducted over the bait stations at random interval and times of night from mid December to mid March. Fixed position drive surveys were conducted in Late December and again in mid February. Drives consisted of observers placed in fixed positions of high observation potential, while drive personnel slowly pushed the deer past the observers for numerical recordation.

Small mammals (Fox, Woodchuck, Beaver) were surveyed by field observation and active den location. Other small mammals (mice, voles, raccoons, opossum, and skunk) were identified as populating the site by either direct observation during field visits or by animal tracks found on-site. Bird populations were not estimated, but species composition as observed during field visits was noted.

RESULTS

The results of the Wildlife Inventory revealed that the site contains the typical array of urban wildlife species. The following is not an exhaustive list of the species likely to inhabit the site, it is a list of those animals physically observed using the aforementioned methodologies.

- White-tailed Deer - *Odocoileus virginianus*
- Beaver - *Castor canadensis*
- Red Fox - *Vulpes fulva*
- Eastern Chipmunk - *Tamias striatus*
- Woodchuck - *Marmota monax*
- Raccoon - *Procyon lotor*
- Opossum - *Didelphis marsupialis*
- Eastern Cottontail - *Sylvilagus floridanus*
- Eastern Gray Squirrel - *Sciurus carolinensis*
- Other small mammals like mice, moles, and voles
- Birds
 - Sparrows
 - American Robin - *Turdus migratorius*
 - Common Crow - *Corvus brachyrhynchos*
 - Black Capped Chickadee - *Parus atricapillus*
 - Tufted Titmouse - *Parus bicolor*
 - Cedar Waxwing - *Bombycilla cedrorum*
 - Blue Jay - *Cyanocitta cristata*
 - Cardinal - *Cardinalis cardinalis*
 - Red Tailed Hawk - *Buteo jamaicensis*
 - Coopers Hawk - *Accipiter cooperii*
 - King Fisher - *Alcedinidae sp.*
 - Downy Woodpecker - *Picoides pubescens*
 - Mourning Dove - *Zenaida macroura*
 - Canada Geese - *Branta canadensis*
 - Black Duck - *Anas rubripes*
 - Wood Duck - *Aix sponsa*
 - Mallard Duck - *Anas platyrhynchos*
 - Lesser Scup - *Aythya affinis*
- Black Snake - *Obsoleta obsoleta*

Of the aforementioned observed species none are unusual or unexpected within this area. Likewise, with exception to the Deer, Beaver and possibly the fox, none are to be considered problematic.

Problematic Species are those species that presently, or in post development, are incompatible with the proposed land use, and may, or in fact do, routinely cause damage to property, habitat, or other wildlife species. Regionally, most urban areas are experiencing conflicts with White-tailed Deer and the subject site is no exception.

Based on multiple surveys, the site contains approximately eighty-five deer within the site alone. The site also provides feeding habitat for deer (approximately 25) that reside within the Lakelands and Izaak Walton Properties. The on-site habitat is ideal for deer habitation, and the site is currently well suited to support the observed numbers. However, the diversity and conditions of plant species observed on-site clearly indicate overfeeding by the deer. Deer predation on plant material has caused stunted growth, poor form, and monoculture diversity. In addition, deer-vehicle conflicts over the last few years have increase along Great Seneca Highway.¹

Based on the results of the survey, the estimated population is approximately 85-110 deer, which is a density of conservatively 1.4 acres of land per deer (if the high end of the population estimate is used it is nearly 1 deer per acre of land). The area density calculation includes areas that are now top soil stockpiles and storm water management ponds, so the ultimate density on available ground is even higher. The Maryland Department of Natural Resources (DNR) has determined that on average, a density of 32 acres per deer (20 deer/square mile) or greater is detrimental to the deer population, other wildlife populations, and the habitat itself. In support of the adopted density used by DNR, studies conducted on deer densities (Tilghman '89; deCalesta '92) conclude that at densities greater than 7.9-deer/sq km (20/sq mi.) species richness, abundance, and height of saplings declined significantly, and monocultures were promoted. Further, at 7.9 deer/sq km herbaceous and shrubby vegetation declined, and reduced biodiversity in songbirds and small mammals (deCalesta '92). These impacts to the herbaceous community have been observed within the site.

Due to the detrimentally high population density, the observed vegetative impacts, and the increased level of Deer-vehicle conflict the existing deer population is considered problematic. Add to this condition the plans to develop the site in accordance with the Master Plan and the deer population most certainly becomes problematic. Managing the deer population will be covered in the next section "Management Alternatives".

The second problematic species population present on-site is beaver. Two separate and distinct beaver colonies exist within the western stream that bisects the site. The first is immediately upstream of Great Seneca Highway, the second is approximately 1,200' upstream immediately below the existing storm water management pond. The first community, (the southern community) is of recent construction and is likely a juvenile beaver from the northern community trying to establish its new territory. This community is probably a single beaver possibly two. The northern community appears to be older, more established and is likely to be populated by two adults and possibly 2-4 young.

The beavers have confined most of their activities to the stream valley and the adjacent upland area. Based on the present location of the dams they pose little flooding danger to adjacent roadways, but if the southern dam continues to expand, the impounded water could eventually submerge some of the existing sewer manholes. The impacts posed by the beavers are two fold. First in the act of building and maintaining their dam, lodge and food supply, they remove a large quantity of trees, often effecting entire stream valleys. A colony of beavers can

¹ As per information received from the City of Gaithersburg.

cut an acre of forest within a year (Hye Yeong, 1997; D'Eon et al. 1995). Often what is not removed by cutting is killed by inundated from the impounded water.

The second impact is not as readily observed as the loss of trees. The impounded water is detained long enough to become warmer due to prolonged exposure to solar radiation. Additionally, water held within a beaver impoundment has lower Dissolved Oxygen (DO) levels as a result of decomposition and microbial action (Smith et al. 1991). The thermal pollution and lower DO adds to the degradation of the receiving streams by reducing the number of temperature sensitive organisms. The number of the shade producing trees removed by the beaver to create the impoundment intensifies the thermal loading of the impounded water. This is not to say the impoundment's do not have value. After all, the beaver is an indigenous species to this region. The impoundment's detain the water long enough to allow sediments to fall out of the water column, and reduce phosphorus and nitrogen by 20-50% (Hye Yeong, 1997), as well as, providing habitat for other wildlife species like the Wood Duck.

As stated previously, the actual impacts presented by these two colonies is minimal. They do not presently represent a flooding danger to public or private infrastructure, The deforestation is at present minimal, and the effect of thermal loading is minimal in comparison to the existing and proposed imperviousness and storm water management facilities found within the streams watershed. Where the problem of the beavers arises is with the preferred condition of the stream valley. Based on the guidelines of the City of Gaithersburg, Montgomery County, and the State of Maryland, the stream valley is to be forested, and if it is not presently forested then barring special circumstances, in should be reforested or allowed to proceed through natural succession. The benefits of forested stream valleys to water quality is well understood and proposed development is often encouraged to attempt to maximize forest cover for stream valleys, and there lies the conflict. The beavers will devastate attempts to reforest a stream valley either by direct predation or indirectly via inundation. Thus, in the future, the beavers may present specific difficulties to the proposed developments attempt to establish and maintain a forested stream valley in an effort to promote improved water quality.

Red Fox represent the final population that may be considered a problematic population. The site contains at least six Red Fox within the site. The actual number is probably greater, or most certainly will be soon with the expected seasonal addition of kits. The number of fox located on the site is not at issue, nor is their position within the ecosystem. The potential conflict arises from the City of Gaithersburg's desire to control and minimize rabies vector species. The City's Animal Control Department knows of rabies infected Raccoon populations within the city, but at the present time is unaware of rabies infected fox populations. As long as current state of rabies infections remains low the fox population will not be a problem.

MANAGEMENT ALTERNATIVES

DEER

Wildlife management is a balancing act that attempts to maintain wildlife populations at optimum levels for a specific wildlife species, the habitat it occupies, the other wildlife species that share its habitat, and the varied uses of the wildlife species by humans (hunters, hikers, photographers, etc). The refinement of wildlife management and the adaptation abilities of the

species have allowed populations like the White-tailed Deer and Beaver to rebound from near extirpation at the turn of the century, to, in the case of the deer, historic population highs. In recent years wildlife managers have had to adjust their management efforts from maximizing population sizes to population control and suppression. The much-publicized conflicts with urban deer populations are also beginning to include human conflicts with other wildlife populations particularly rabies vector species.

In March of 1998 the State of Maryland released a draft document entitled "Charting the Course for Deer Management in Maryland". The document identified management options for the control of problematic populations, the options are as follows;

- Allowing Nature To Take Its Course
- Relocate Excess Deer To Other Locations
- Repellents And Fencing
- Contraceptive Agents
- Furnishing Additional Food To Reduce Deer Conflicts
- Direct Reduction Through Regulated Hunting
- Direct Reduction Through Special Permit
- Direct Reduction Through Sharp Shooter

Alternatives Review

The following review of management alternatives is specific to the site only. Each of these management alternatives have specific application. This review is made with the conditions specific to the site, in which there is a 116 acres of land with a density of nearly one deer per acre. The available area will be further reduced by the proposed development adding to the density conflict.

1. Allowing Nature to Takes its Course - This alternative is not proposed because it is viewed as non-responsive to the problem. It would not be appropriate to ignore the issues of conflict related to the displacement of deer.
2. Relocate Excess Deer To Other Locations – Although the survival rate of relocated deer is low, the difficulty of relocating deer is not in the capture of the animals, but in finding a relocation site. The State of Maryland does not allow the relocation of deer within the State borders. Likewise, the States of Kentucky, Virginia, West Virginia, Ohio, Delaware, Pennsylvania, and New York have all denied previous request to accept relocated deer. Aside from the lack of a relocation site, this alternative is not recommended because it simply moves the population to another location without addressing the problem.
3. Repellents or Scare Devices, and Fencing or Physical Exclusion - These options fail to address the principle problem, which is the pending displacement of an existing population that is approximately 24 times greater than the safe carrying capacity recognized by the State. These displaced deer will relocate into adjacent areas, which are already over capacity. The overpopulation of deer in an area can not be rectified with fences or repellents. The deer density should be reduced, not contained or moved to the adjacent parks.

4. Contraception - The use of immuno-contraception was closely reviewed, but not recommended for the following reasons;

In short, the contraception program entails inoculating the breeding females with a hormone to temporarily disrupt their ability to be successfully impregnated. Treated females are tagged so they can be identified for re-inoculation each year. If a female is not re-inoculated, that individual becomes fertile again. Once employed, a contraceptive program is intended to continue until the population size returns to a manageable level. If the program were concluded, the population is expected to recover and become fertile again.

At the present time, the contraception procedure is considered experimental. Drawbacks to the Contraception program are; the drug given to the deer is still under FDA review, the current delivery system requires the location of specific deer for re-inoculation, the procedures become less effective on free ranging populations and the process takes several years to realize an effect as individuals that are lost through attrition are not replaced.

5. Furnishing Additional Food To Reduce Deer Conflicts

Supplemental feeding would only promote higher densities and encourage disease and an inferior gene pool, and it still fails to address the problem of an overpopulated species.

6. Direct Reduction Through Regulated Hunting and/or Special Permit

Directly reducing the number of deer within the site is the most effective way to resolve the over population problem. The population can be reduced by Relocation or over time by Contraception, but when either of these options are available (see previous discussion) than the remaining option is to directly reduce the excess deer by lethal removal.

The removal can be accomplished in two methods. First, the property could be made available to a select group of hunters who are strictly supervised and restricted in their efforts in order to optimize safety (similar to the special hunts run within some local County and State parks the last few years).

The second method uses a sharp shooter, employed to systematically remove excess deer. The direct reduction via a sharp shooter is the preferred option. The use of a sharp shooters as a method of population control has already gained the support of Montgomery County Parks Department, Montgomery County Police Department, Maryland Department of Natural Resources, and the United States Department of Agriculture. The lethal removal of excess deer is recognized by professional wildlife regulatory and management agencies as an efficient and practicable way to reduce herd size. Specially trained sharp shooters have been successfully used throughout the Country. The use of sharp shooters has been used locally by such agencies as Montgomery County Parks, Montgomery County Police Departments, Fairfax County Police and the Federal Government at Gettysburg National Park and local military bases.

Other Management alternatives include;

Habitat Management - Habitat management can come in two forms, increasing the carrying capacity of the habitat to support more deer or decreasing the carrying capacity in an effort to encourage the deer to occupy a different location. Increasing the carrying capacity is not a legitimate option, as the proposed community will be occupying the majority of the existing habitat. At best the remaining ground would only be able to support a fraction of the existing deer population. Decreasing the ability of the habitat to support deer is in essence what will occur by implementing the proposed community. However, the displacement of the deer by the reduced capacity will only exacerbate the overpopulation in the immediately adjacent areas.

Restore Predators - The restoration of predators is impracticable within an urban area.

RECOMMENDATIONS

DEER

Upon review of a previous Wildlife Management Plan, which also proposed a direct reduction of the deer population by way of a sharp shooter, the Gaithersburg Mayor and Council voted against the plan. The Mayor and Council supported a plan put forth by the Humane Society of the United States, which proposed utilizing educational material for existing and future adjacent home owners, specialized road signs in conjunction with road side fencing, and the deployment of experimental Streiterlite Wildlife warning devices (specially designed road reflectors). The success of the adopted plan has yet to be determined, but preliminary evidence indicates that little has changed for the populations of adjacent properties like Lakelands, Quince Orchard Park, Muddy Branch Park and NIST.

Recent studies performed in Scandinavia (Scandinavia is where the wildlife warning devices have been extensively tested and deployed) indicate that reflective warning devices are "not reliable as a method to reduce the number of deer-vehicle accidents on a long term basis" (Ujvari, Marianne et al, 1998). The study replicated typical road conditions and found that the deer quickly became accustomed to the warning device. The deer became habituated to the light reflections so quickly that the first night of the study, 99% deer fled from the reflection cases, yet by night 15 of the study only 30% fled the reflection.

If the City of Gaithersburg again declines to allow a direct reduction of the deer on the property, the only remaining alternative is to make attempts to minimize the eventual conflicts. Techniques to minimize conflicts are similar to those used for the adjacent Lakelands Property. Although the success of the Humane Societies efforts at Lakelands are at this point unknown, and studies indicate that the reflectors have a limited effectiveness, other alternatives fail to be applicable. It must be clearly understood that failure to reduce the size of the deer population, albeit through lethal removal, relocation, or sterilization, does very little to solve the growing problem.

BEAVER

As previously discussed the presence of the two beaver colony's are currently having minimal to no detrimental effect on the natural function of the property, nor is it likely that, if they remain in their current location, future expansion will create new or additional effects. The best alternative at the present time is to protect those trees that are viewed as desirable. The protection procedure

(already being performed around the SWM pond) is to wrap the trunk of the tree with a welded wire fence to prevent the beaver from accessing the tree and cutting it down. The method is simple and effective. However, the wrapping will not protect the tree from inundation from the impounded water. If the expansion of the beavers impoundment starts to effect large numbers of desirable trees or is deemed to pose a danger to the health, safety and welfare of the users of the site or the general public, then the beavers should be removed and by State law euthanized. The likelihood the beaver will create such a condition any time soon is very remote. However the protection of desired trees should occur immediately.

FOX

The population of fox on the property is high. Aside from being a rabies vector species, the fox do not represent a danger to the existing or future users of the site. According to the City of Gaithersburg, the City does not have an infected fox population. Fox have been known on occasion to attack small house pets (cats or small dogs), but these instances are by far the exception rather than the rule. The fox population is not as severe as the deer, and their damage to the environment is nominal to non-existent. They should simply be encouraged to leave the site prior to clearing. This can be accomplished by disturbing their occupied dens before the clearing operation occurs. With the den disturbed, they will move on to find another location. It is preferred to have den disruption occur during the late summer to mid winter to avoid detrimental effects to denning mothers and their kits.

MISCELLANEOUS

Many other animals occupy or use the site, and while their populations are not viewed as problematic, the development of the site will have detrimental effects to them. By utilizing simple care and procedures, these detrimental effects can be greatly reduced. For example woodchucks could be encouraged to relocate off the site by disturbing their den similar to the fox. It is important to note that den disruption should be done when the den is not occupied and prior to hibernation. Impacts to birds can be minimized if the forest cover is cleared prior to the start of the nesting season in the early spring. Simple tactics such as these can have a significant impact in protecting wildlife.

SUMMARY

The remaining undeveloped portion of Quince Orchard Park is part of the last large area of undisturbed ground in the immediate vicinity. Not only does the site provide habitat to its own population of animals, but in recent years the development of phase one of Quince Orchard Park, Washingtonian Woods, Kentlands, Lakelands, Timberbrook and others have forced the larger animals that once occupied those sites to relocate into this area of habitat. To make matters worse, with the exception of vehicle collisions, the large animals like deer and fox have no real form of predation, natural or otherwise, that would have limited their numbers. Natural predators have been removed, and hunting in this area has been outlawed. The area within the site has accepted the animals from other areas with no means of limiting their numbers. The only potential natural population control mechanism remaining is habitat degradation, and in that case, the population of the large animals, the deer, is not as affected as the small animals that share the habitat.

This is not to ignore the fact that the proposed development will have an impact on the habitat, but this is an expected and accepted result of growth and has been correctly supported by the master plan and all previous community planning efforts. What has not been recognized or completely understood is the effects of overpopulation of deer on those areas intended to be greenways or wooded stream valleys. By ignoring the current overpopulation of wildlife within these areas, is to lose sight of the reason to create these green spaces. Studies have shown that to add more animals to these already overpopulated forests and green spaces will result in the forests to be nothing more than an area with a tree canopy void of forest replenishing ground cover. Numerous studies have shown the effects of overpopulation of animals, especially deer on the habitat. The resultant reduction of species diversity in both the flora and fauna has repeatedly been proven through empirical study. This report proposes to reduce the deer population because it is an effective way to reduce the impacts of overpopulation. The documented effects of overpopulation on species diversity, the documented ineffectiveness of the wildlife warning devices, and the increased risk of injury or death resulting from deer-vehicle accidents is too significant to responsibly ignore.

From: Greg Ossont
To: Caroline Seiden
Date: 09/21/2004 5:24:35 PM
Subject: Fwd: Vistas Plan

Caroline - I've responded, please include Mr. Burke's comments in the record.

>>> "Bill Burke" <Bill_Burke@enps.com> 09/21/2004 4:29:31 PM >>>

Dear Mr. Ossont,

With the Vistas development now under review, I wanted to pass along a couple of comments and questions about the project.

If you can provide any information on these issues, it will help me refine my views prior to the Council and Planning Commission review in December.

--One concern is density. I do understand this entire area was meant to be tightly developed, but as development moves forward in Quince Orchard Park and surrounding areas, the net effect seems to be getting just too much. The Vistas is a tight site to begin with, and putting 120+ units there seems high to me. A more reasonable target would be 100 or fewer.

--Related to that, from what I've seen of the design, there is little or no buffer on the outside of the project. Of most concern to me is the fact that homes will be right on top of the tennis court and right up against Winter Walk Drive.

I would like to see us preserve a band of green space around the outside of the project on the Quince Orchard Park side rather than against Twin Lakes or Orchard Ridge Road. (Keeping the trees along Winter Walk would actually be great, but I suspect they are too far in)

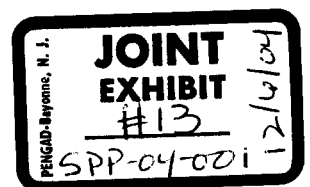
--Speaking of green space, I understand the parcel must be 40% green space. It seems to me that this design, while it might meet the technical requirement fragments the green patches so much as to make the concept irrelevant. (Also, is the transitway being counted as greenspace?)

--Will the homes nearest Winter Walk be facing it, or back to it? We need to avoid the problem we had in Phase Two, where there are homes back to front--unless there is a very substantial landscape buffer. Also, what does the design do to prevent Vistas homeowners from parking on Winter Walk and cutting through to their houses rather than driving into the Vistas main entrance?

--With regard to the entrance, how many trips in and out are anticipated per day? I feel there ought to be a secondary (exit only) either on Twin Lakes or Orchard Ridge. I'd be concerned about the level of traffic if everything went through that one entranceway.

--I'm wondering what the elevation of the project will be. That is, will the hills be completely leveled prior to construction? Although it might be more difficult for the builder, leaving some height in may be a way to help create a buffer effect from QOP.

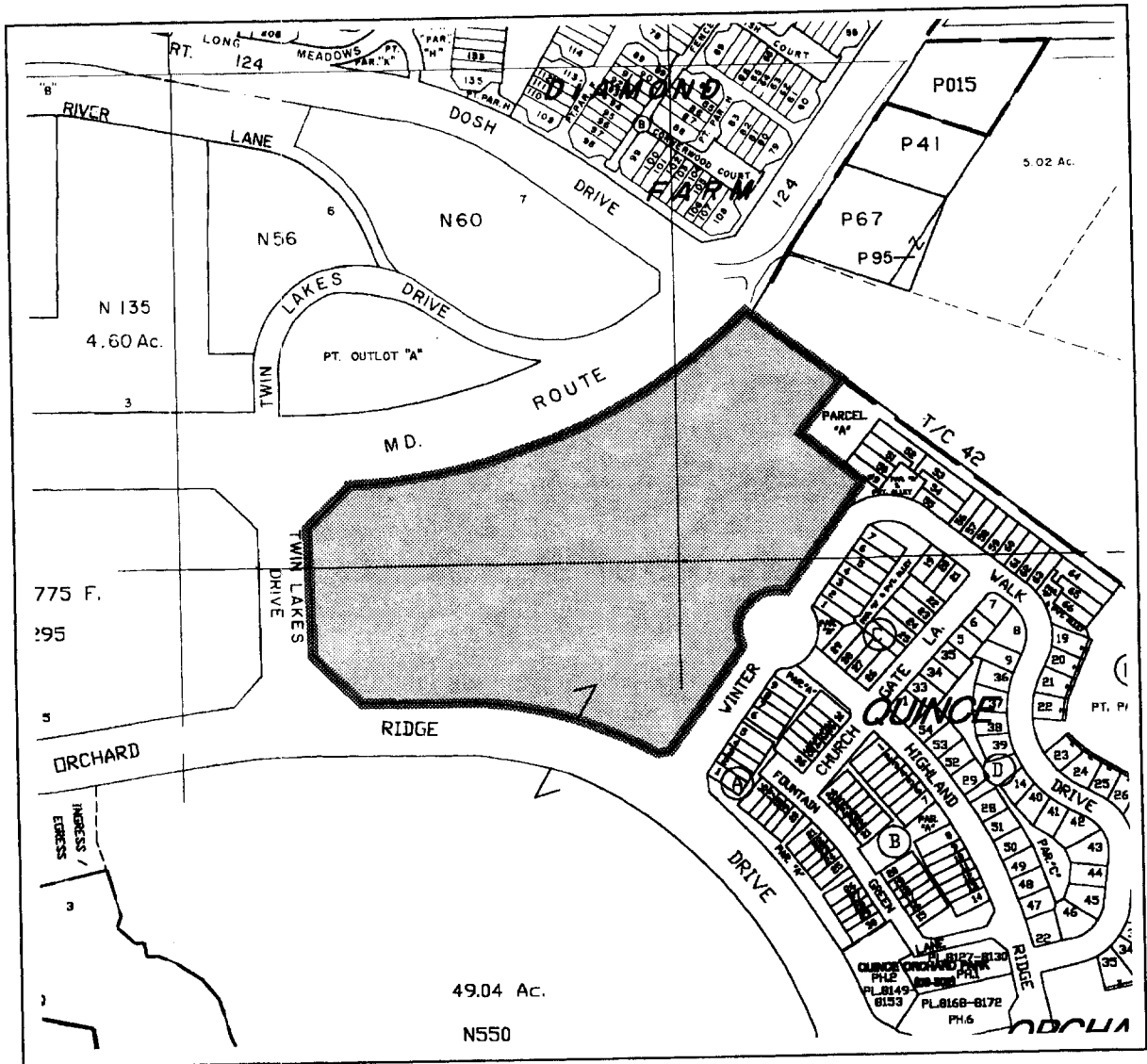
Thanks for your time reviewing these.



Regards

Bill Burke
216 Winter Walk Drive

47. Retain part of Tax Map FS23 Parcel N550 as Residential-Office.



This land encompasses approximately 30 acres of land identified as "The Vista" and bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive, and Quince Orchard Road. Retaining a Residential-Office land use designation is consistent with the proposal noted in the adopted sketch plan (Z-275). The introduction of a residential element assists in creating this new community. The 12.3-acre "Vista" site offers two land use scenarios: Scenario A, which proposes two 5-story office buildings in the 150,000-200,000 square foot range, or Scenario B, which proposes residential land use of 75-125 dwelling units. The residential-office land use designation will permit either land use option to emerge as proposed in the sketch plan. A third option, a combination of office and dwelling units, should also be explored. This could consist of separate office buildings or live-work units that

can be used primarily for offices, with a small number of live-works permitted to have other commercial uses, including restaurants and retail.

Land Use and Zoning Actions:

- Retain the Residential-Office land use designation
- Zoning remains MXD

From: Greg Ossont
To: Caroline Seiden
Date: 09/28/2004 8:37:58 AM
Subject: Fwd: Vistas Meeting

FTR -thanks

Greg Ossont, Director
Planning and Code Administration

301-258-6330
301-258-6336 FAX

31 South Summit Avenue
Gaithersburg, Maryland 20877

gossont@gaitthersburgmd.gov -- <http://www.gaithersburgmd.gov>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

>>> <suzannescharf@mrisc.com> 09/27/2004 11:18:27 PM >>>

Greg,

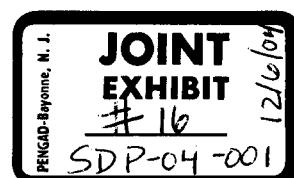
I'm glad you were there for the Churchill presentation and the ensuing reactions of many of our residents. Its pretty apparent there is a common theme that runs through most of our residents remarks, that being there is just too much housing in too little space. I find the quick density study done by Mark to be extremely interesting. I'm sure you have seen it which suggests that if housing density was consistent with QOP phases 1 and 2 that the number of homes in the Vistas should be more like 84 vs 125.

The other item that concerns me is that Churchill is showing absolutely no commitment to a community, namely QOP, they helped to build. I know their discussion at our community center was forced by the City Council but they should be responsible for more than just "checking off" the council instructions and moving on.

I really believe they owe our community, and in fact the City Council a response to the concerns raised and I am hopeful that you can help us get that response.

sincerely
Suzanne Scharf

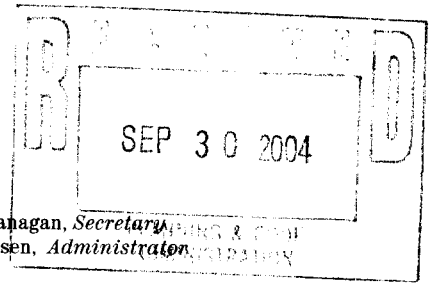
Suzanne Scharf
The "Two Sooz"
www.betterwayhome.com
RE/MAX Realty Group
6 Montgomery Village Ave
Gaithersburg, MD 20879
TOLL FREE - 1-888-672-8195
IN TOWN 301-921-4538
FAX: 301-921-2653
my mobile phone is 301-252-4968



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator



Maryland Department of Transportation
September 28, 2004

Ms. Trudy Schwarz
City of Gaithersburg
31 Summit Avenue
Gaithersburg, MD 20877-2098

Re: Montgomery County
MD 124
Quince Orchard Park
The Vista
SDP-04-001


Dear Ms. Schwarz:

This office reviewed the submitted plan and offer the following:

- The term "denied access" is to be placed on the final record plat along the property that abuts MD 124.
- All access to this property is to be via the county roadway with no direct access onto MD 124.
- Four (4) copies of the traffic study need to be submitted so the appropriate divisions within the State Highway Administration (SHA) can make the necessary review.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,


Mr. Steven D. Foster, Chief
Engineering Access Permits
Division

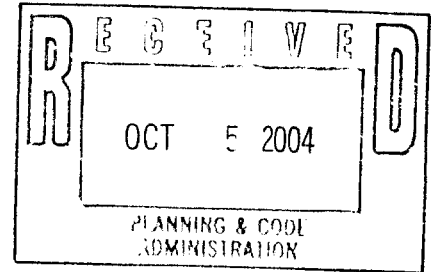
gc

cc: Mr. Darrell Mobley (Via e-mail)
MHG





CHURCHILL
GROUP
A HOMETOWN TRADITION



September 30, 2004

City of Gaithersburg
31 South Summit Ave.
Gaithersburg, MD 20877-2098
Attention: Ms. Caroline H. Seiden

Re: The Vistas

Dear Caroline:

I appreciate the opportunity to have met with you and the planning staff to discuss our plans for the "Vistas". I am sure that with open lines of communication and some plain old hard work this project will evolve into a community everyone can be proud of and, most importantly, future residents will be glad to live in.

With that goal in mind we will continue to meet with staff to review and refine our plans in the upcoming weeks in order to provide a final plan 30 days prior to the joint hearing in December. Please advise me if this creates any problems regarding proper notice or legal or procedural matters.

Once again, please thank everyone on my behalf for their help so far, and their anticipated future considerations. I look forward to many productive work sessions as this community plan moves forward.

Please let everyone on the staff know that they can contact me directly at 240-243-1000 ext. 110 or by email at BWogatske@ChurchillBuilders.com.

Sincerely,

William J. Wogatske
Vice President Land Acquisition and Development



October 11, 2004

City of Gaithersburg
Planning & Code Administration
Attn: Ms. Caroline Seiden / Mr. Greg Ossant
31 South Summit Ave.
Gaithersburg, MD 20877

Re: SDP-04-001 ("The Vistas" by Churchill Development Corp.)

Dear City Representatives:

As a 7-year resident of Quince Orchard Park in Gaithersburg, I am writing you to express my concerns for the project proposal by Churchill Development Corp filed under SDP-04-001. After hearing the developer's presentation last month, the following issues are of most concern to me:

- 1 – overcrowding (125 housing units on just 11.68 acres land, which is more dense than QOP)
- 2 – inadequate entrance/exit road way (a single-lane traffic circle to be tapped from QOP). This could be a public hazard for fire, police, etc. In addition, traffic will bottleneck with MedImmune's transit way as they continue to expand offices and employee size.
- 3 – inadequate street size and parking (20 ft wide roads and only ~ 100 on-street parking spaces, which is woefully inadequate as we know from our experience with Phase II of QOP)
- 4 – most of the green space that the developer claims is being allotted to the VISTAS interior development is actually the dedicated transit way..
- 5 – no open park/play space available for children or adults.

The latter point is of especial concern since this parcel of land ought to be considered in conjunction with the parcel directly across the street (adjacent to MedImmune). Since "The Vistas" would saturate the population density for its parcel, it begs that the other parcel be developed as a park (ball/soccer fields, etc.) so that residents of QOP and "The Vistas" have adequate recreational areas. Indeed, it has always amazed me that "Quince Orchard Park" really has no Park!

I ask that these concerns be considered at the Public Hearing on December 6, 2004.

Thank you,

Robert J. Fuentes, PharmD.
719 Summer Walk Drive
Gaithersburg, MD 20878



From: Greg Ossont
To: Caroline Seiden
Date: 11/10/2004 2:33:26 PM
Subject: Fwd: RE: Vistas Plan

FYI

>>> "Bill Burke" <Bill_Burke@enps.com> 11/09/2004 2:53:22 PM >>>
Greg,

This is excellent news and I'm sure it will be welcomed by the community and all of us who live on Winter Walk Drive especially. Do we yet know how many trips in and out are expected each day? I think it is important to have that number for the December meeting.

Meanwhile, I understand from Sonya they're sticking with the density number, which is a disappointment--we'd really like to see that move down a bit.

Other than that, my top issues are:

--External buffer space--would prefer not to see houses right on top of the tennis courts or Winter Walk.

--Mechanism for preventing the homeowners along Winter Walk from parking there and walking straight to their homes rather than actually going in the Vistas. (Also, concerned about the orientation of the homes--don't want to be looking at the back yards without substantial landscape buffer)

--Ensuring that the transitway isn't counted as green space so that we have a valid green space percentage number.

Again, thanks for the update.

Regards

Bill Burke

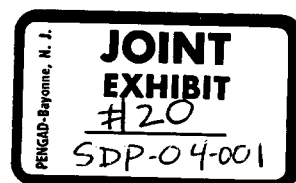
PS I didn't mention this in my original email, but there is some wildlife on the parcel, including at least one fox. Do they have a plan for dealing with wildlife?

-----Original Message-----

From: Greg Ossont [<mailto:GOssont@gaithersburgmd.gov>]
Sent: Tuesday, November 09, 2004 12:53 PM
To: lessP@aol.com; ronerie@comcast.net; TroyK@comcast.net; suzannescharf@mrisc.com
Cc: Etzey@aol.com; sonyaburke@aol.com; SSScharf@aol.com; sastexan@comcast.net; Bill Burke; Caroline Seiden; vliau@hns.com; rpatel@themgmtgroup.com; samspace2002@yahoo.com; sands202@yahoo.com
Subject: Vistas Plan

Just a quick note to let everyone know that staff met with Churchill this morning and they have made some revisions to the plan that was presented originally.

Of particular note was the addition of a second entrance/exit on



Orchard Ridge Drive, addition of two tot lots and other recreational space, additional on-street parking on Orchard Ridge and increased alley widths within the proposed community. As you may recall, these were concerns raised at the community meeting and echoed by city staff. I have asked them to forward an electronic version of the revised plan as well. I will forward the file when I receive it.

The joint public hearing will be held December 6th at 7:30 PM in the Council Chambers.

I hope this information is helpful. If you have any questions, feel free to contact me directly. Also, I do not have Claudia Good's email yet, so if someone could forward this to her I'd appreciate it. Thanks again.

Greg Ossont, Director
Planning and Code Administration

301-258-6330
301-258-6336 FAX

31 South Summit Avenue
Gaithersburg, Maryland 20877

gossont@gaithersburgmd.gov -- <http://www.gaithersburgmd.gov>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

November 11, 2004

Ms. Karey Major
Law Section
The Gaithersburg Gazette
P.O. Box 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **November 17** and **November 24, 2004** issues of the Gaithersburg Gazette.

Sincerely,



Caroline Seiden
Planner
chs

ASSIGN CODE: SDP-04-001/Acc.# 133649

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Schematic Development Plan **SDP-04-001**, filed by Churchill Development Corp., on

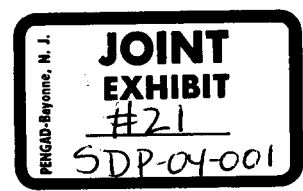
MONDAY
December 6, 2004
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The applicant requests approval of the schematic development plan, **SDP-04-001, known as Quince Orchard Park – The Vistas** in Gaithersburg, Maryland. The proposed plan includes mixed residential (28 single family detached; 41 townhouses; 56 multi-family condominium units) on approximately 11.68 acres of land. The subject property is bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road in the Quince Orchard Park development. The property is within the Mixed Use Development (MXD) Zone.

Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Caroline Seiden
Planner





CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a joint public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL MEETING**
Application Type: **SCHEMATIC DEVELOPMENT PLAN**
File Number: **SDP-04-001**
Location: **QUINCE ORCHARD PARK – THE VISTAS**
Applicant: **CHURCHILL DEVELOPMENT CORP.**
Development: **MIXED USE (RESIDENTIAL)**
Day/ Date/Time: **MONDAY, DECEMBER 6, 2004 at 7:30 PM**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*** IMPORTANT ***

The applicant requests approval for the Schematic Development Plan (SDP), known as the Quince Orchard Park, The Vistas project, in Gaithersburg, Maryland. The proposed plan includes mixed residential **(28 single family detached; 41 townhouses; 56 multi-family condominium units)** on approximately 11.68 acres of land. The subject property is bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road in the Quince Orchard Park development. The property is within the Mixed Use Development (MXD) Zone. This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

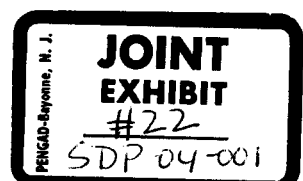
Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

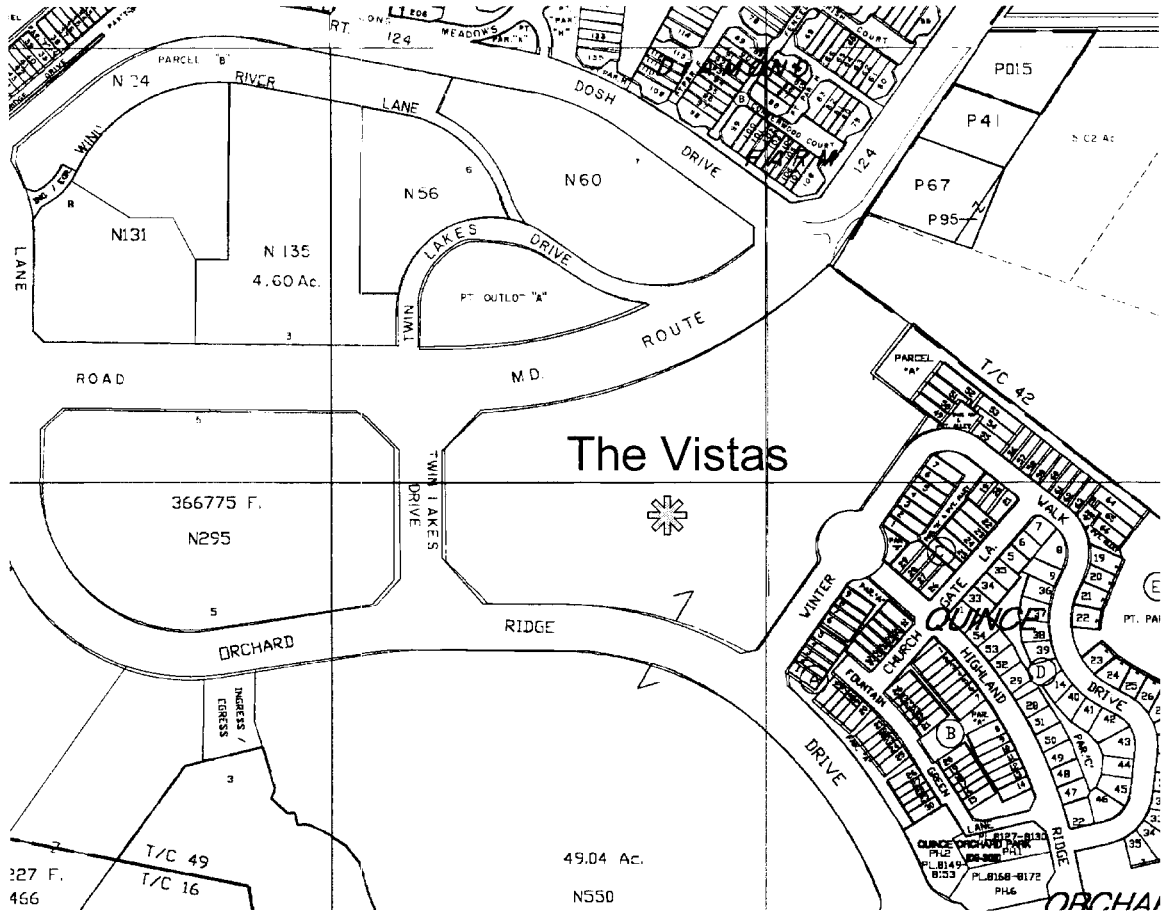
By: 

Caroline Seiden, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



LOCATION MAP



From: Greg Ossont
To: Bin Yu
Date: 11/18/2004 11:28:16 AM
Subject: Re: Vistas updates

Ms. Yu:

Sorry for the delay in getting back to you. I've forwarded your email to Caroline Seiden to include in the record for the residential proposal.

Regarding your suggestion, I believe this was discussed during the community meeting with the applicant and it was determined that the QOP amenities were only designed for the number of houses in QOP. As such, any additional residential units would not be permitted because it would cause the pool, tennis courts, clubhouse, etc. to be over capacity. Also, I believe that most residents were fairly adamant that they preferred to be kept separate from any new neighborhoods.

You might want to forward your suggestion to Ruchita Patel as well for good measure. I hope this information is helpful.

Greg Ossont, Director
Planning and Code Administration

301-258-6330
301-258-6336 FAX

31 South Summit Avenue
Gaithersburg, Maryland 20877

gossont@gaitthersburgmd.gov -- <http://www.gaitthersburgmd.gov>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

>>> "Bin Yu" <yubin100@hotmail.com> 11/12/2004 3:29:34 PM >>>

Hi, I got the updates for Vistas new community. Just have one thought. Why can we let Vistas joint Quince Orchard community and let the homeowners in Vistas using all the existing tot lots, tennis ground, pool? By bring in more homeowners into the community, we should be able to lower our monthly HOA fees. This HOA fees is keep going up each year and it is prososed to be \$72/month next year.

Regards.

Kelly Yu

CC: Caroline Seiden

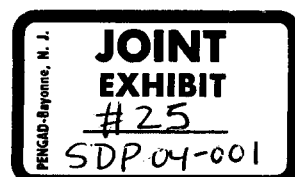


From: Mark Depoe
To: Cathy Borten; David B. Humpton; Fred Felton; Greg Ossont
Date: 11/18/2004 3:52:34 PM
Subject: Qunice Orchard Park Development

I have attached the updated existing/approved development of the QOP development and a map showing the different sections (ie. Crescent, Meadows, etc.) for your review.

The end result is as follows. The remaining development of 322,520 square feet would be permitted in the Vista and Meadows sections of Quince Orchard Park. These are the remaining areas for development. Per the Annexation Agreement, of the permitted 1,950,000 sq. ft. of development, 150,000 sq. ft. is held-up for the dedication of the transit right-of-way (approx. 6.2 acres) and transit station and related facilities (approx. 10.16 acres) and 150,000 sq. ft. is held-up until the transit operations commence at the station. This leaves 22,520 sq. ft. of development until these two benchmarks are reached and must be met before the remaining square footage is allowed.

CC: Caroline Seiden; Trudy Schwarz



Quince Orchard Park Development

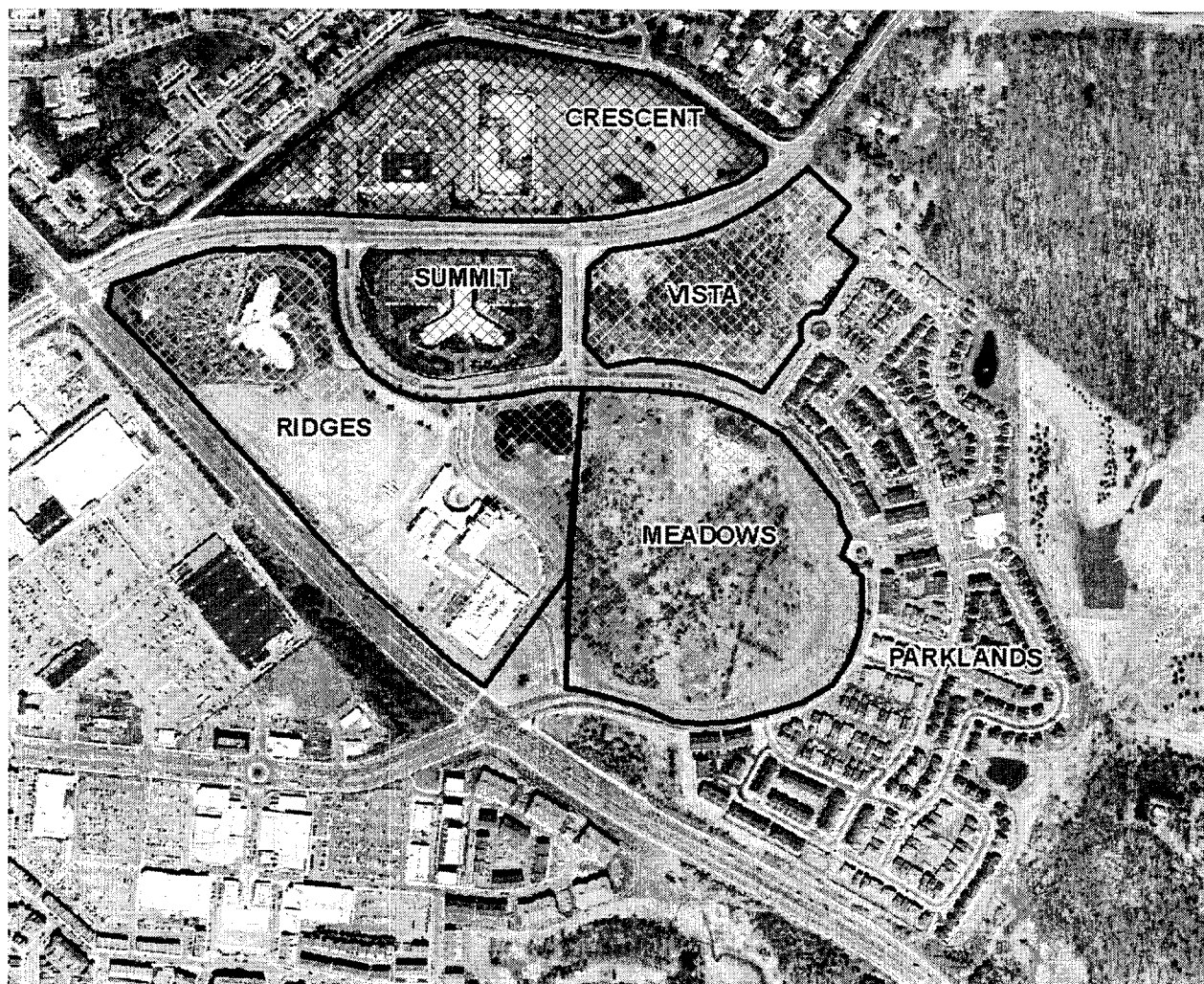
Quince Orchard Park is permitted 1,950,000 sq. ft. (1,399,000 sq. ft. for office and 512,000 sq. ft. for residential) of development per the annexation agreements. The 512,000 sq. ft. for residential development converts to 512 dwelling units (1 dwelling unit per 1,000 sq. ft. of floor area) per the second amendment to the annexation agreement X-129 to be located in the Parklands section.

Approximate Square Footage of the Quince Orchard Park Development:

The Crescent:	Existing	6,580 sq. ft. (day care: S-900)
		50,000 sq. ft. (office: SP-01-007)
		50,000 sq. ft. (office: S-808)
		25,000 sq. ft. (office: SP-02-010)
	Total Existing	131,580 sq. ft.
	Approved	22,900 sq. ft. (office: SDP-00-002)
The Summit:	Existing	106,000 sq. ft. (office: S-760)
	Total Existing	106,000 sq. ft.
The Vista:	Existing	0 sq. ft.
	Total Existing	0 sq. ft.
The Parklands:	Existing	210,000 sq. ft. (residential: S-1044)
		302,000 sq. ft. (residential: S-1138)
	Total Existing	512,000 sq. ft.
The Meadows:	Existing	0 sq. ft.
	Total Existing	0 sq. ft.
The Ridges:	Existing	105,000 sq. ft. (office)
		218,700 sq. ft. (office/lab.: SP-01-010)
		Medimmune – Phase I)
		142,400 sq. ft. (office/lab.: AFP-03-012)
		Medimmune – Phase IA)
	Total Existing	466,100 sq. ft.
	Approved	388,900 sq. ft. (office/lab.: SDP-03-003)
		Medimmune – Phase II and III)
TOTAL:	Existing	1,215,680 sq. ft.
	Existing/Approved	1,627,480 sq. ft.
	Remaining Development	322,520 sq. ft.

The remaining development of 322,520 square feet would be permitted in the Vista and Meadows sections of Quince Orchard Park. These are the remaining areas for development. Per the Annexation Agreement, of the permitted 1,950,000 sq. ft. of development, 150,000 sq. ft. is held-up for the dedication of the transit right-of-way (approx. 6.2 acres) and transit station and related facilities (approx. 10.16 acres) and 150,000 sq. ft. is held-up until the transit operations commence at the station. This leaves 22,520 sq. ft. of development until these two benchmarks are reached and must

be met before the remaining square footage is allowed.



From: Greg Ossont
To: suzannescharf@mrisc.com
Date: 11/20/2004 1:24:30 PM
Subject: Re: The Vistas

Suzanne, please find the following:

First of all - where is the BRL measured from? **The property line, if you want to ballpark it, a couple feet back from the sidewalk.**

Secondly - someone sent this to me today: What do you think?
"I did some research and found the definition for BRL (from real estate dictionary)

Building Restriction Line (or "Set-back")

The minimal distance from the road where a building may be positioned, which appears in the original plat of subdivision, restrictive covenants, or in zoning ordinances and building codes

Based on this definition, Churchill is not allowed to build ANYTHING within 100 feet of Winter Walk Drive.
Anything except single family detached - that is the way it is recorded for this particular sketch plan.

Greg Ossont, Director
Planning and Code Administration

301-258-6330
301-258-6336 FAX

31 South Summit Avenue
Gaithersburg, Maryland 20877

gossont@gaithersburgmd.gov -- <http://www.gaithersburgmd.gov>

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>>> <suzannescharf@mrisc.com> 11/20/2004 1:06:30 PM >>>
Hi Greg,

First of all - where is the BRL measured from?

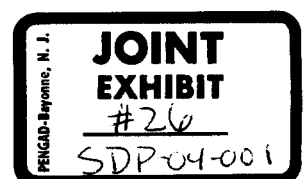
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Based on this definition, Churchill is not allowed to build ANYTHING within 100 feet of Winter Walk Drive.
"

Thank you
Suzanne



From: "Bill Wogatske" <bwogatske@churchillbuilders.com>
To: "Caroline Seiden" <CSeiden@gaithersburgmd.gov>, "Greg Ossont" <gossont@gaithersburgmd.gov>
Date: 11/22/2004 3:16:05 PM
Subject: Vistas

Dear Caroline and Greg,

I thought by now you may have had a chance to review the revised site plan that we submitted. Hopefully you will have noticed some of the changes we have may based upon feed back from the HOA, the City Staff and the Council's "Themes". I would be remiss if I didn't point out at least some of the major changes:

1. We have created a second entrance
2. We have increased parking from 310 spaces to 377
3. We have distributed parking differently to locate more spaces in front of each unit
4. We have added parallel parking to Quince Orchard Road
5. We have added a tot lot, and a play lot.
6. We have added a fitness trail
7. We have coordinated alley widths and turn radii
8. We have provided for a TBD piece of artwork located in the central sitting area
9. We have provided two seating areas at the entry from Winter Walk

Of course there were many minor and more technical changes made which I can not enumerate at this time.

We are continuing to look for ways to improve the look of our project and its compatibility with the other neighborhoods, any suggestions are always welcomed.

Thanks for your continued help and support.

Bill

William J. Wogatske
Vice President Land Acquisition and Development
Churchill Development Corporation
5 Choke Cherry Rd, Suite 360
Rockville, MD 20850
240-243-1000 x110 (office)
240-243-0715 (fax)
E-mail BWogatske@ChurchillBuilders.com

CC: "Vic Bryant" <vbryant@mhgpa.com>



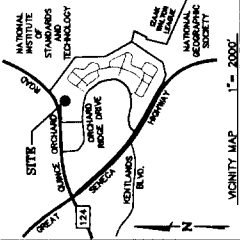
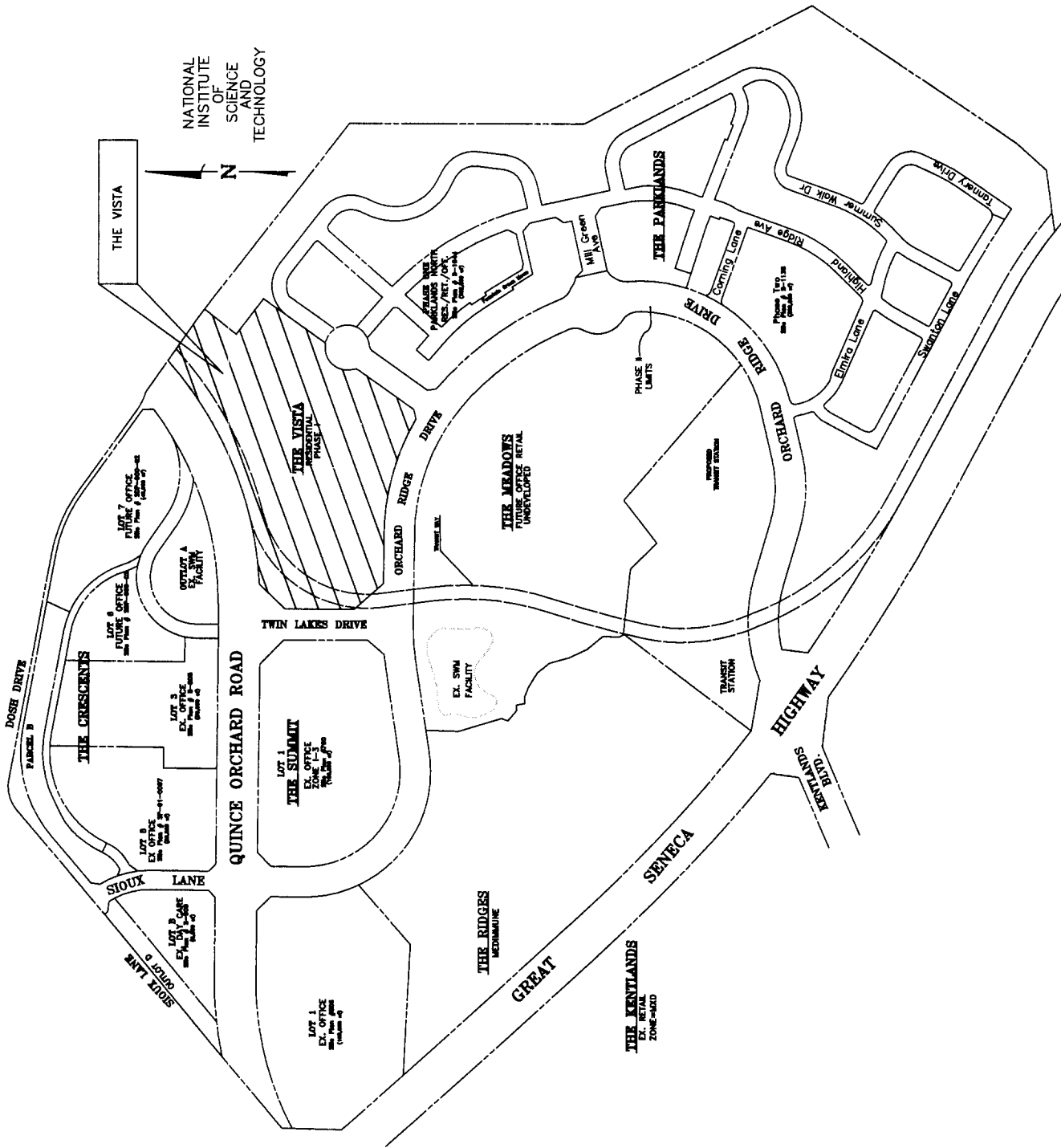
QUINCE ORCHARD PARK

THE VISTAS-PHASE I

RESIDENTIAL

SHEET INDEX

SHEET	1	COVER SHEET
	2	SITE PLAN



SHEET INDEX

SHEET	1	COVER SHEET
	2	SITE PLAN
	3	CONCEPTUAL LANDSCAPE PLAN
	4	PRELIMINARY FOREST CON. PLAN

DEVELOPMENT DATA

Zone: MXD (Z-275)

Proposed Use -	
Gross Site Area -	
Site Area - Transit Way -	
Net Site Area -	
Allowable Units -	

= Residential Development
= 368,294 sf or 13.05 ac
= 59,346 sf or 1.36 ac
= 508,948 sf or 11.68 ac
= 75 - 125 units *

* Allowable Density within "The Vista's" per approved Sketch Plan (Z-275C)

Proposed Residential Units:
Single Family Detached -
Townhomes -
Multi-family -
46 units w/2 bedrooms
10 units w/3 bedrooms

Total = 125 Units

Green Area: Required = 40% or 203,579 sf
Provided = 50% or 254,475 sf

Building Coverage: 24% or 123,240 sf

SITE NOTES

1. Boundary information from field survey, prepared by Macris, Hendricks and Glascock, P.A.
2. Topographic Information prepared by Macris, Hendricks and Glascock, P.A. by aerial photographic methods
3. Water and sewer category W-1 and S-1 respectively.
4. Subject property does not contain 100-year flood plain area

Unit Type	Number of Patients	Required Patients	Provided Patients to Unit	Provided Patients to Unit
3rd Outpatient	27	54	54	32
			General Surgical	
Team House	42	136	General Surgical	21
Cards	46	92	General Surgical	
1 bed rm	11	25	Surface	66
3 bed rm		117		
Total	125	276		119
Total Pending Patients =				377

Note: SF require 2 parking spaces per unit
TH requires 2.5 parking spaces per unit
1H garages, 2 car is credited as 1.5 spaces

JOINT
EXHIBIT
#30

CITY OF GANTHERSBURG MAYOR & COUNCIL
31 SOUTH SUMMIT AVENUE, GANTHERSBURG, MARYLAND 20877

**SCHEMATIC DEVELOPMENT
PLAN APPROVAL**

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND
CITY COUNCIL, HELD ON _____

APPLICATION NO. SDF-04-001 WAS GRANTED
SCHEMATIC DEVELOPMENT PLAN APPROVAL
BY RESOLUTION _____ WITH _____ CONDITIONS
DATE _____ BY _____

NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE
REAPPROVED BY THE MAYOR & COUNCIL.

SDP-1

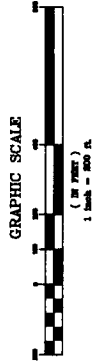
CHURCHILL DEVELOPMENT CORPORATION
5 Choke Cherry Road, Suite 360
Rockville, MD 20850
PHONE: 240.243.1000
FAX: 240.243.0715
Mr. Bill Wogatske, Vice President

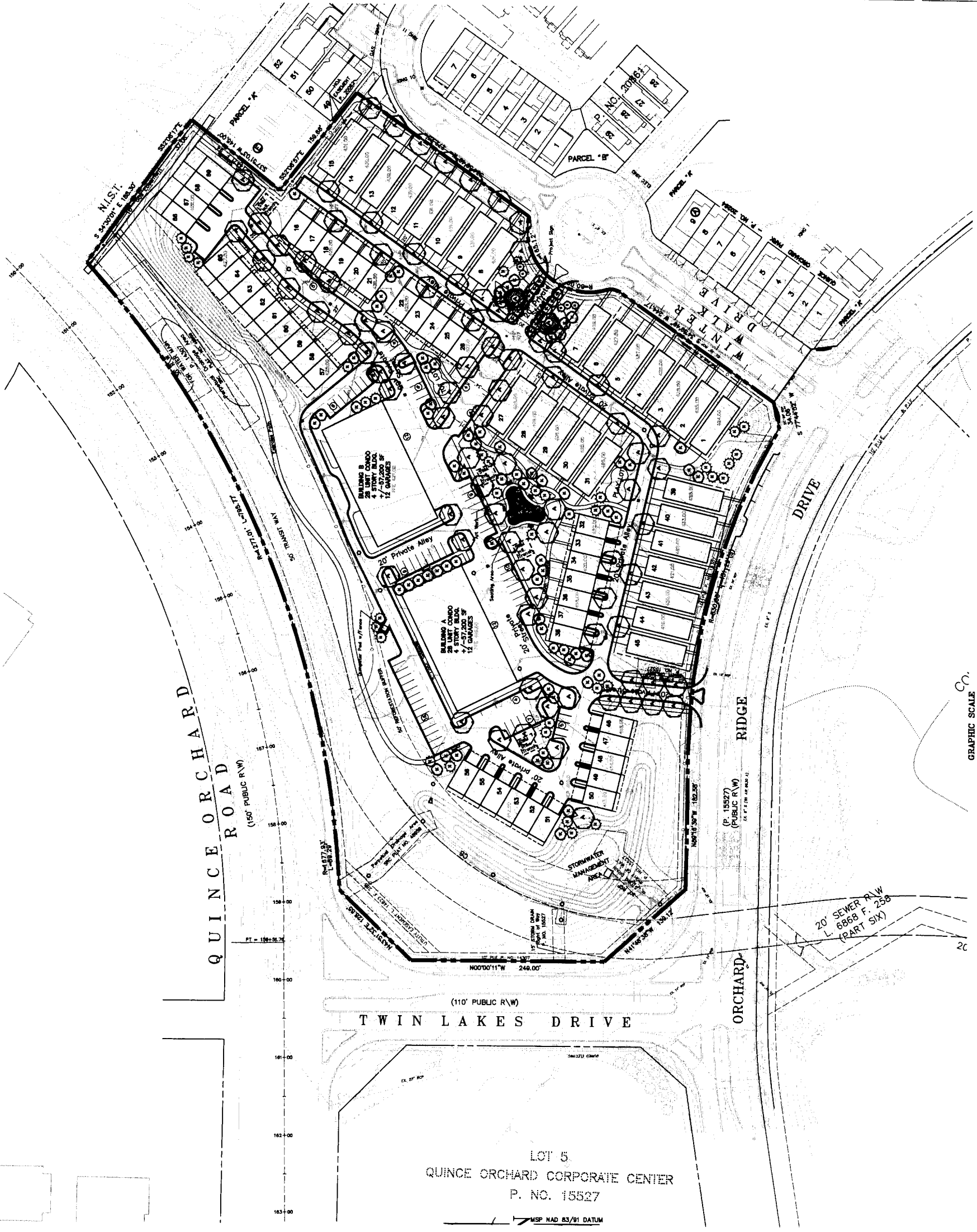
SCHEMATIC DEVELOPMENT PLAN

The Vista





QUINCE ORCHARD PARK
Part of Parcel A. Plat No. 14307

CITY of Gaithersburg-9th Election District--Montgomery County--MARYLAND

[illegible]



LEGEND

	Proposed Shade Tree
	Proposed Ornamental Tree
	Proposed Evergreen Tree
	Proposed Shrub Planting

CITY OF GAITHERSBURG MAYOR & COUNCIL
336007 N. SUYMAN AVENUE GAITHERSBURG MARYLAND 20877

**SCHEMATIC DEVELOPMENT
PLAN APPROVAL**

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND
CITY COUNCIL HELD ON _____ DAY OF _____
APRIL/COUNCIL MEETING NO. _____ SDP-04-001 WAS GRANTED

SCHEMATIC DEVELOPMENT PLAN APPROVAL

OF RESOLUTION _____ WITH _____ EXCEPTIONS
DATE _____ BY _____

NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE
REAPPROVED BY THE MAYOR & COUNCIL

SDP-3

CONCEPTUAL LANDSCAPE PLAN

The Vista

QUINCE ORCHARD PARK

Part of Parcel A - Plat No. 14307

City of Gaithersburg-9th Election District-Montgomery County-MARYLAND



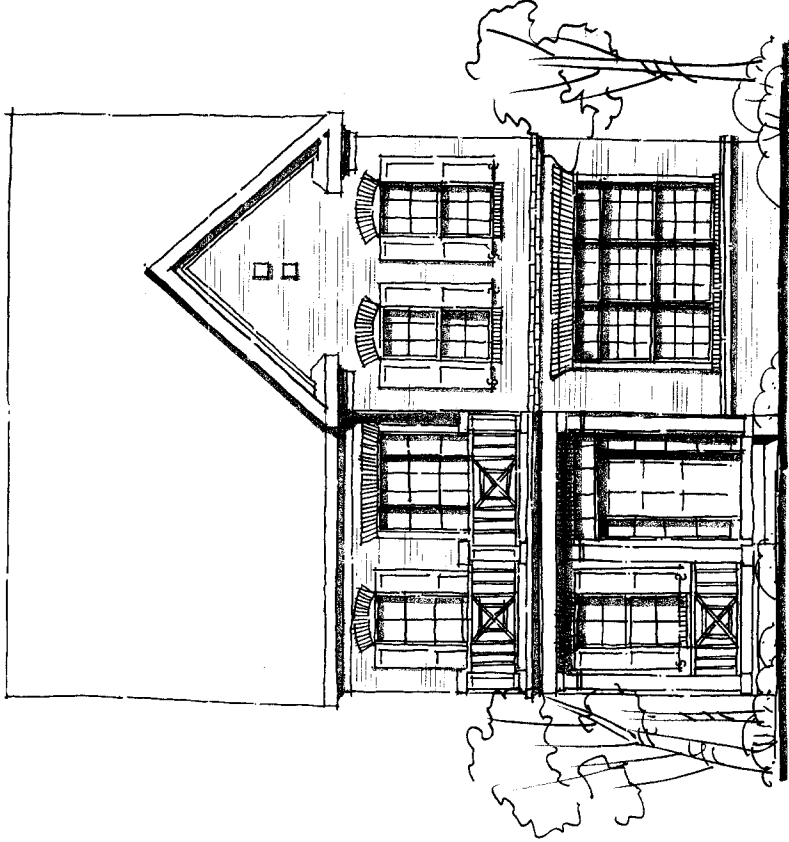
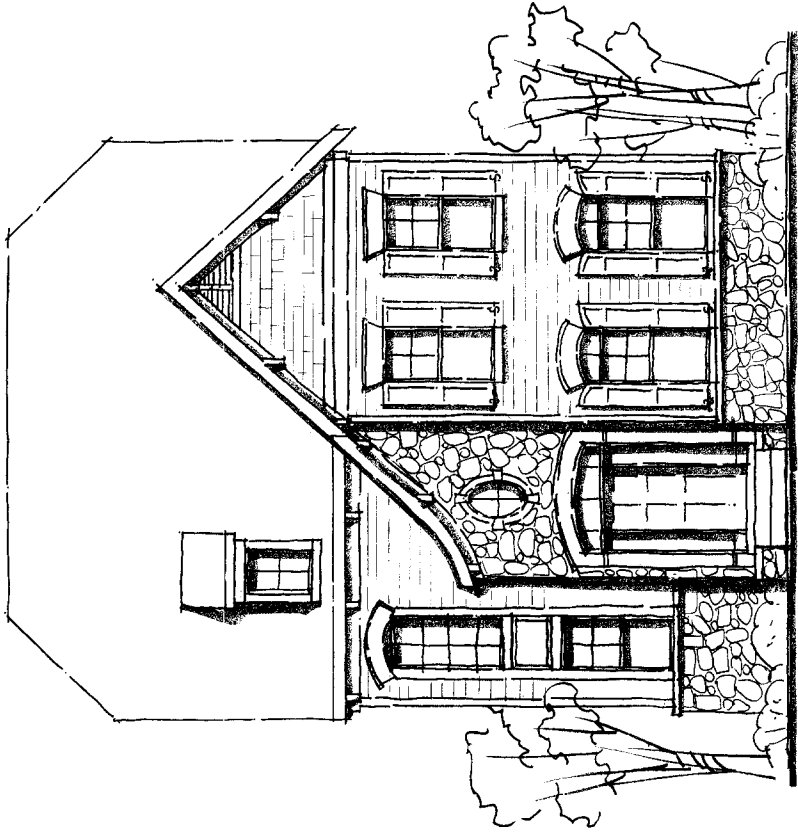
MHG
9220 Wightman Road, Suite 120
Montgomery Village, Maryland

Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

Phone 301.670.0840
Fax 301.948.0693

[illegible]

Submitted
08/13/04



FRONT ELEVATIONS

CHURCHILL GROUP

VISTAS

CITY OF GAITHERSBURG

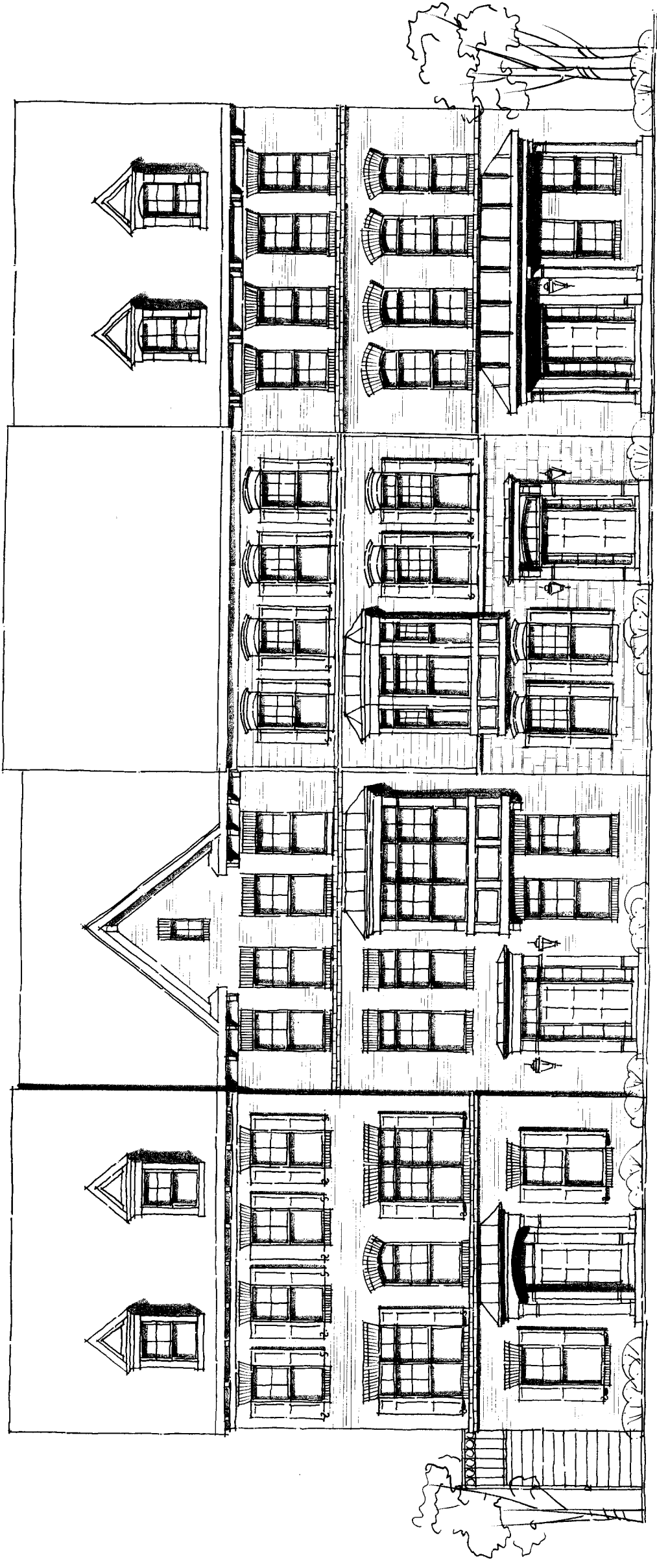
SINGLE FAMILY WITH REAR LOAD GARAGES

JOINT
EXHIBIT
#32
SDP-04-001



DESIGN
CONCEPTS
ARCHITECTS
A PROFESSIONAL CORPORATION

8610 Westwood Center Dr.
Suite 305
Gaithersburg, MD 20878
Phone: 703.288.8100
Fax: 703.288.8101
Website: www.dca.com



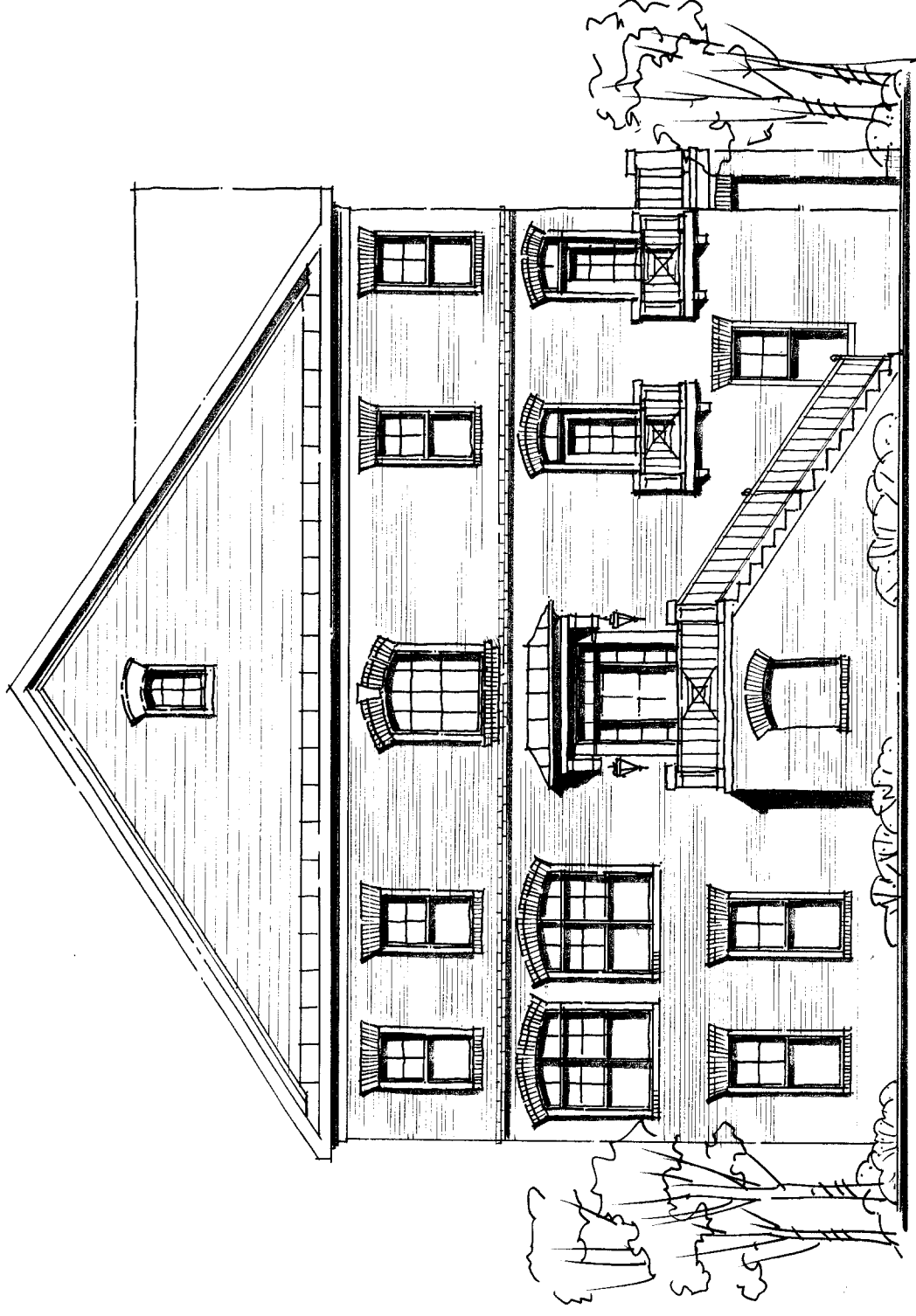
FRONT ELEVATIONS

CHURCHILL GROUP

VISTAS

CITY OF GAITHERSBURG

REAR LOAD TOWNHOMES



SIDE ELEVATIONS

CHURCHILL GROUP

VISTAS

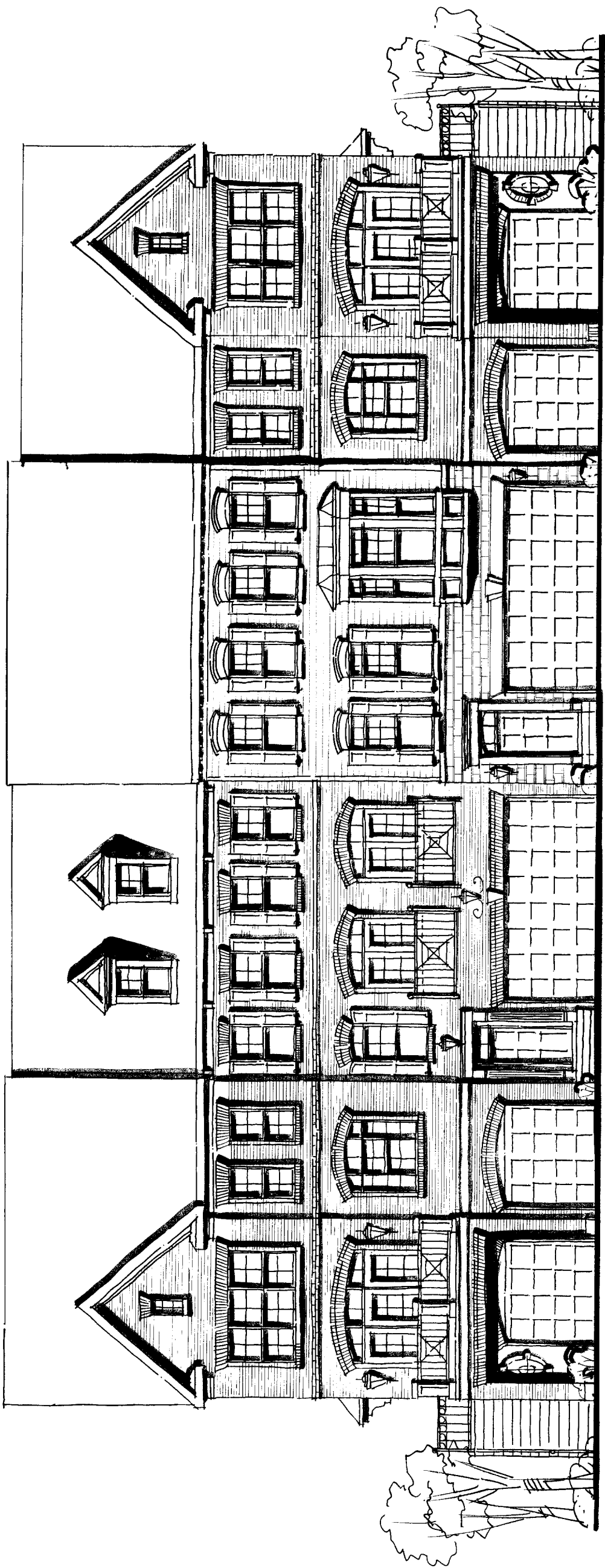
CITY OF GAITHERSBURG

FRONT LOAD TOWNHOMES



DESIGN
CONCEPTS
ARCHITECTS
A PROFESSIONAL CORPORATION

8118 Westwood Center Dr. • Suite 302 • Chevy Chase, MD 20815
703.288.0008 • FACSIMILE 703.288.8010



FRONT ELEVATIONS

CHURCHILL GROUP

VISTAS

CITY OF GAITHERSBURG
FRONT LOAD TOWNHOMES

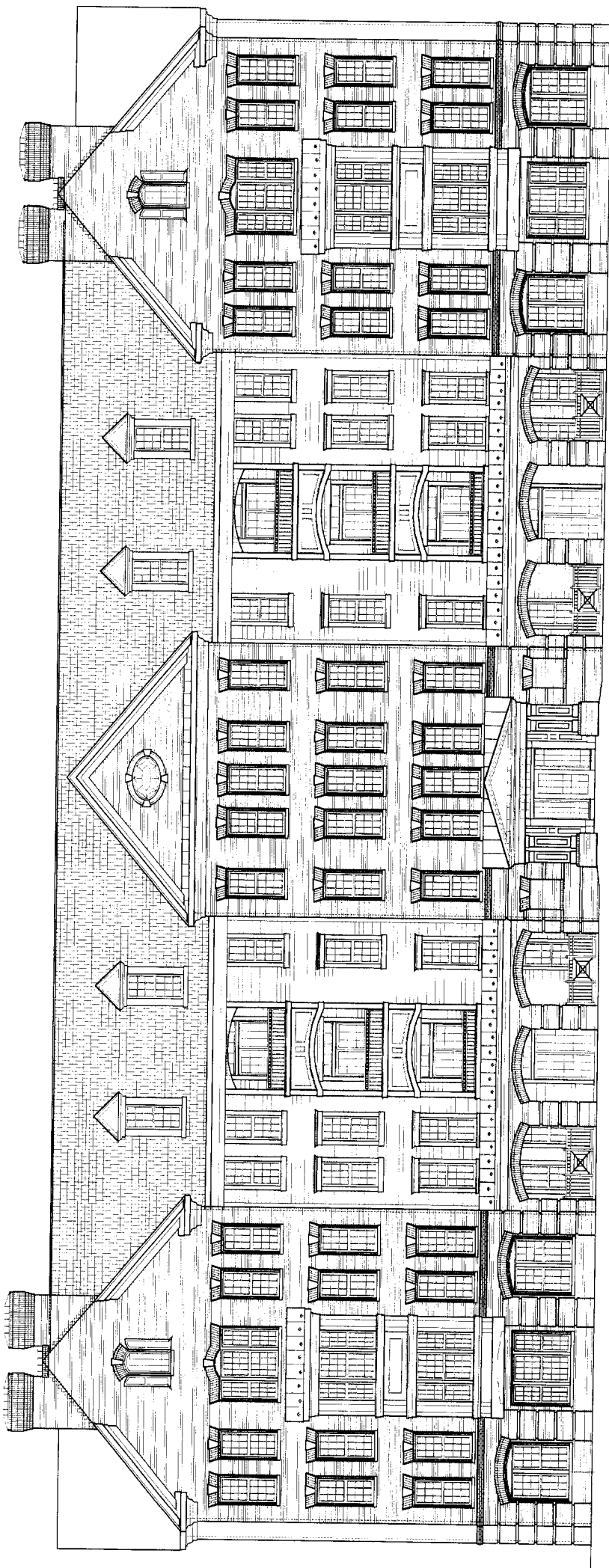
THE BOZZUTO GROUP
THE VISTA

Doverman & Associates
ARCHITECTS AND PLANNERS

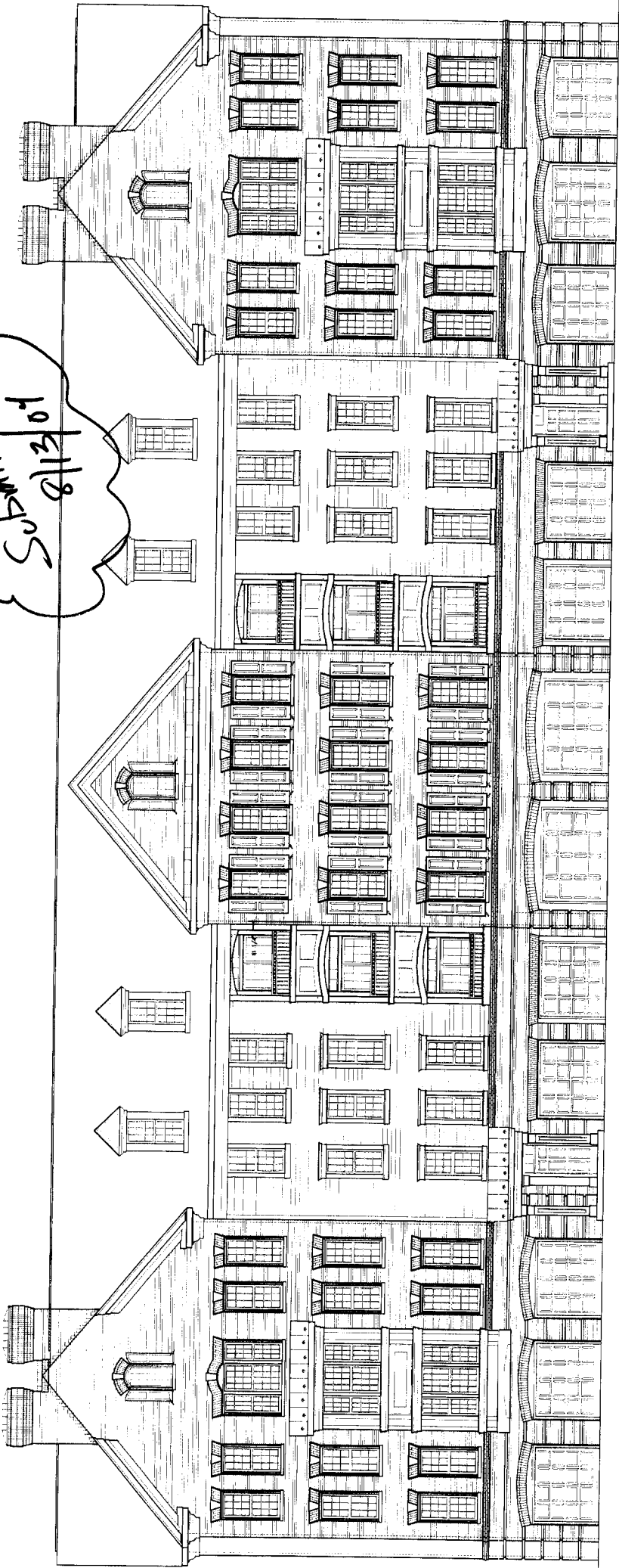
1610 CHAMBERS STREET, SUITE 200, NEW YORK, NY 10036
TEL: 212 693 0000 FAX: 212 693 0001

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FRONT ELEVATION

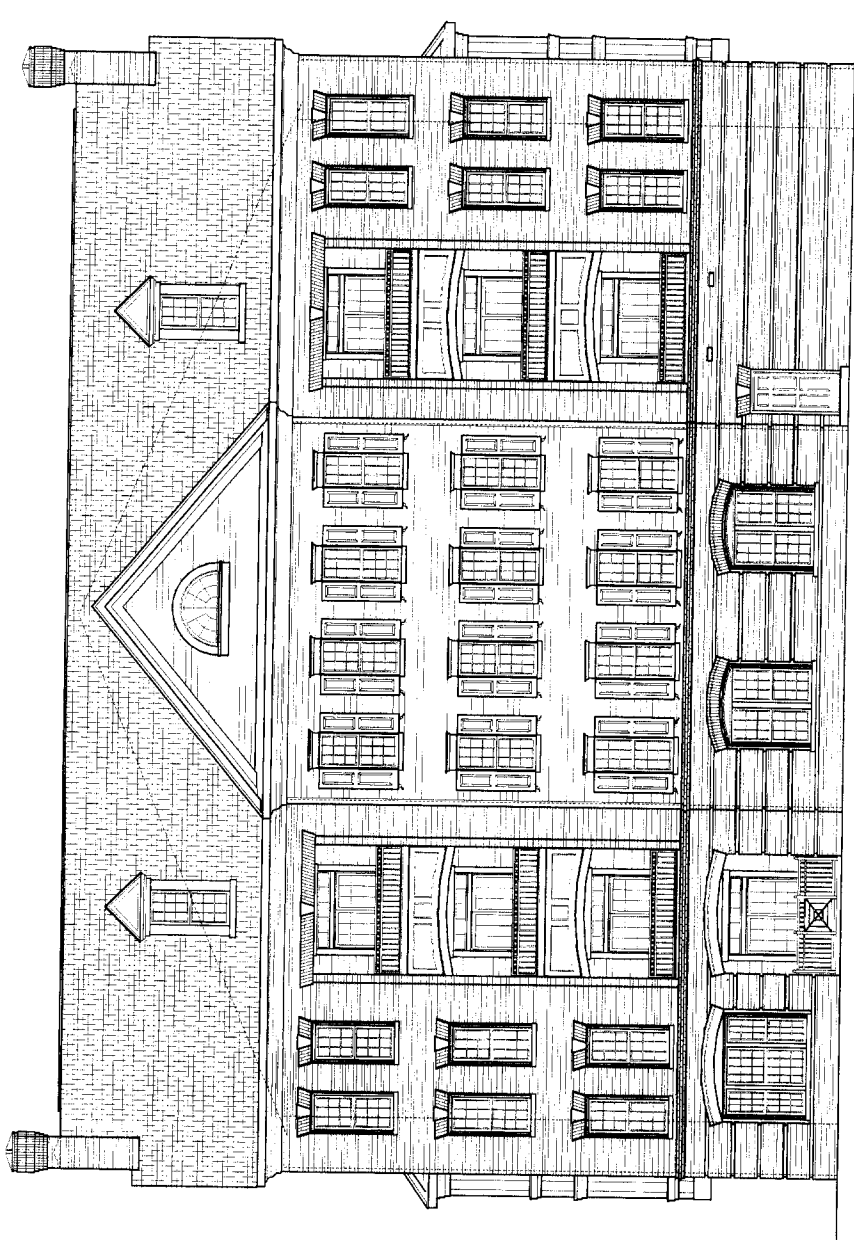


REAR ELEVATION



Submitted
8/13/01

SIDE ELEVATION



THE BOZZUTO GROUP

THE VISTA

DENVER & ASSOCIATES
ARCHITECTS AND PLANNERS

48 CHAMBERS ROAD, SUITE 100, DENVER, COLORADO 80202
TEL: 303.733.1111 FAX: 303.733.1112
WWW.DENVERANDASSOCIATES.COM

Preliminary - not for construction